Part
Item No:

WELWYN HATFIELD BOROUGH COUNCIL
PLANNING CONTROL COMMITTEE – 16 AUGUST 2012
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

S6/2011/1994/MA

SALISBURY SQUARE, OLD HATFIELD, AL9 5AF

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

APPLICANT: Gascoyne Cecil Estates

(Hatfield East)

1 Background

1.1 This application came before Members at the Planning Control Committee meeting on 1 March 2012 and was granted planning permission subject to the completion of a legal agreement before the expiry of 3 months (1 June 2012) to secure the planning obligations set out below:

- Primary Education £15,213
- Libraries £2,085
- Childcare £954
- Youth £170

1.2 The completion of a legal agreement has been delayed due to the large number of parties with a registered interest in the development site. The matter is therefore referred back to the Planning Control Committee with a recommendation to extend the time limit for a further 6 months (16 February 2013) whilst negotiations between interested parties are ongoing for the completion of the legal agreement.

1.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration in determining planning applications. This Framework replaced Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) which were relevant when planning application S6/2011/1994/MA was determined. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Planning applications must still be determined in accordance with the development plan consisting of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance.

1.4 There have been no significant changes to the application site, surrounding context, planning history or planning policy which would impact on the

implementation of this proposal. However, in view of the Article 4 direction preventing change of use from C3 (Dwellinghouses) to C4 (Houses in Multiple Occupation), the Council considers it appropriate to restrict any proposed new dwellinghouse within Hatfield for occupation and use as a C3 dwellinghouse by way of a condition. These considerations are discussed within paragraph 10.113 of the report.

1.5 It is therefore recommended that the time limit is extended for a further 6 months for the completion of the legal agreement subject to the conditions, informatives and S106 contributions detailed within paragraph 12.1 below.

2 Site Description

2.1 The application site is currently occupied by 'The Parade', a row of seven retail units of approximately 630sqm with seven maisonettes located above. The remainder of the site is occupied by Salisbury Square itself, which provides an area of open space to the south of The Parade, and a surface car park to the north of The Parade providing 109 car parking spaces.

2.2 The application site extends to around 0.93 ha of land and covers Salisbury Square, the car park to the north and the route of the new road which is proposed to run from Great North Road in the-west, to Park Street in the south-east. The application site relates directly to an area which was comprehensively redeveloped in the early 1970's and most of the buildings and public spaces within and around the site date from this time. The resulting character and quality of the built environment in this area contrasts markedly with the more historic parts of Old Hatfield.

2.3 The site lies entirely within the Old Hatfield Conservation Area. None of the buildings within the application site are statutorily listed, although the site adjoins a number of Grade II Listed Buildings which front onto Park Street. Part of the site towards the east and south-east site boundary falls within an Area of Archaeological significance.

2.4 While much of Old Hatfield is now in residential use, Salisbury Square stands out as an exception, with none of the buildings which surround it in residential use at ground floor level, and only around half of them in residential use on their upper floor, in the form of flats above shops. However, many of the shop units are now in A3 (restaurants & café s), A4 (drinking establishments) or A5 (hot food takeaway) use. There are now very few shop units remaining in A1 retail use and these consist of a newsagent, a hairdresser and a small supermarket. Old Hatfield contains a number of offices, both surrounding Salisbury Square and along the southern end of Park Street. These are a valuable source of local employment and help to bring trade into the area for the local shops which remain.

3 The Proposal

3.1 This application is the result of proposals drawn up during a major public consultation and design exercise carried out by Gascoyne Cecil Estates in 2008, known as the Old Hatfield Charrette. The Charrette drew heavily on the opinions and experiences of local residents, people living and working in Old Hatfield and other key stakeholders.

3.2 This application seeks full planning permission for the redevelopment of Salisbury Square; demolition of existing shopping parade building with seven maisonettes above including retaining wall structures; construction of new road and layout of public spaces; erection of new building containing 19 flats and four shops with basements; new two level car park; erection of terrace of five houses with road and footways; access alterations, drainage and all ancillary works.

3.3 The scheme includes the reinstatement of the historic route of the Old Great North Road through the Square. The terrace of five dwellings would be situated along another historic road called Arm and Sword Yard and opposite part of the new Dunham's Yard development to create a new residential street.

3.4 The application proposals comprise the following elements:

- 4 no. 1 bedroom flats and 15 no. 2 bedroom flats
- 5no. 3 bedroom houses
- Retail development totalling 1,235sqm, divided into 4 separate units (587sqm at ground level and 648sqm at basement level)
- Increased car parking provision, from the current 109 spaces, up to a total of 141 spaces in the form of a new two deck car park
- The reintroduction of a vehicular highway through Salisbury Square

4 Planning History

4.1 Below is a summary of the planning history relevant to the current proposals:

4.2 S6/2011/2092/CA – Demolition of existing shopping parade building with 7 maisonettes above including retaining wall structures. Under consideration

4.3 S6/2011/1102/PA – Redevelopment of Salisbury square comprising demolition of 1 - 7 Salisbury square and replacement with 3 blocks consisting of 1235m2 of retail floorspace, 19 flats and 5 terraced houses plus associated car parking, landscaping etc (Development Consultation Forum held on 7 July 2011)

4.4 S6/2005/0432/FP – Erection of 8 x 2 bedroom dwellings, 6 x 3 bedroom dwellings, 1 x 1 bed flat and 2 x class b1 units following demolition of garages.
Granted 05 June 2007

5 Planning Policy

5.1 National Planning Policy

National Planning Policy Framework

5.2 East of England Plan 2008

SS1: Achieving Sustainable Development
SS2: Overall Spatial Strategy
T3: Managing Traffic Demand
T8: Local Roads
T9: Walking, Cycling and other Non-Motorised Transport

T14: Parking
ENV3: Biodiversity & Earth Heritage
ENV6: The Historic Environment
ENV7: Quality in the Built Environment
ENG1: Carbon Dioxide Emissions and Energy Performance
ENG2: Renewable Energy Targets
WAT4: Flood Risk Management
WM1: Waste Management
WM6: Waste Management in Development

5.3 Hertfordshire County Council Waste Local Plan 1999

Waste Policy 3: Waste Minimisation and new developments
Waste Policy 7: Re-use of waste arising from new developments
Waste Policy 8: Use of recycled materials in new developments

5.4 Welwyn Hatfield District Plan 2005

GBSP2: Towns and Specified Settlements
SD1: Sustainable Development
R1: Maximising the Use of Previously Developed Land
R2: Contaminated Land
R3: Energy Efficiency
R4: Renewable Energy Sources
R5: Waste Management
R7: Protection of Ground and Surface Water
R9: Water Supply and Disposal
R10: Water Conservation Measures
R11: Biodiversity and Development
R17: Trees, Woodland and Hedgerows
R18: Air Quality
R19: Noise and Vibration Pollution
R29: Archaeology
M1: Integrating Transport and Land Use
M2: Transport Assessments
M4: Developer Contributions
M5: Pedestrian Facilities
M6: Cycle Routes and Facilities
M8: Powered Two Wheelers
M9: Bus and Taxi Facilities
M14: Parking Standards for New Developments
D1: Quality of Design
D2: Character and Context
D3: Continuity and Enclosure
D4: Quality of the Public Realm
D5: Design for Movement
D6: Legibility
D7: Safety by Design
D8: Landscaping
D9: Access and Design for People with Disabilities
D11: Design Statements
IM2: Planning Obligations
H1: New Housing Development
H2: Location of Windfall Development

H6: Densities
OS3: Play Space and Informal Open Space Provision
TCR24 Old Hatfield
TCR26 Large Village Centres
RA25 Public Rights of Way

5.5 Welwyn Hatfield District Council, Supplementary Design Guidance, February 2005

5.6 Welwyn Hatfield Council, Supplementary Planning Guidance, Parking Standards, January 2004

6 Constraints

6.1 This site is lies entirely within the Old Hatfield Conservation Area Part of the site towards the east and south-east site boundary falls within an Area of Archaeological significance as outlined in the Welwyn Hatfield District Plan 2005.

7 Consultations

6.1 **Environment Agency** – The redevelopment of Salisbury Square provides an ideal opportunity for the focal point of Old Hatfield to incorporate an exemplar Sustainable Drainage Systems (SuDS) scheme.

The planning application has been submitted with a Flood Risk Assessment (FRA) detailing how surface water will be drained from the site.

The FRA contains our pre-application correspondence. In our correspondence we stated that SuDS should be maximised throughout this development. This is in line with your Strategic Flood Risk Assessment (SFRA), in particular Table 9.3 and policies 10.3.1. Currently the proposal is mainly utilising tanked and piped solutions which are the least sustainable methods of providing surface water attenuation and are at the bottom of the SuDS hierarchy in your SFRA.

Green roofs have been ruled out in the FRA because of the proposed pitched roofs on the buildings, which is valid justification. It is not clear to us from the submitted drawings if the commercial units have any associated canopies or if the residential units have any outbuildings with flat roofs. If either of these are included in the proposal, green roofs would be ideal and we urge the applicant to include them wherever possible. Green roofs can be placed on relatively small areas of flat roof and still provide wider sustainability benefits and also greatly enhance biodiversity in the area.

The FRA states that there is no space for ponds to be provided. This is confusing because the development proposals show a relatively large open space on Salisbury Square to the rear of York House. This would be an ideal location for a pond. It would provide surface water attenuation, improve water quality and enhance biodiversity of the area. It could also act as a focal point of the square away from the shops and car parking areas.

The FRA also states that permeable paving is not appropriate at this site. This may be the case but the roads and car parking areas could be permeable with tanks underneath. This would significantly improve the quality of the water

being discharged from the site in comparison to what will be discharged from the currently proposed drainage system.

The predicted life time of a residential development is 100 years so this may be the only opportunity to enhance biodiversity and water quality in the area for a long time. We would strongly urge you to take our comments on board and ask the applicant to amend the proposed drainage scheme so it is as sustainable as possible.

7.2 **Natural England** – This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.

The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.

However, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

Protected species
If the LPA is aware of, or representations from other parties highlight, the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice1 on BAP and protected species and their consideration in the planning system.

The following link to some guidance Natural England Standing Advice on our website has been produced to help the authority better understand the impact of this particular development on protected or BAP species should they be identified as an issue at this site and whether following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites
If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Biodiversity enhancements
This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the

same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habita*t'.

7.3 **English Heritage** – No response (consultation expired 02/11/2011)

7.4 **Hertfordshire County Council Transport Programmes and Strategy Department** – Notice is given under article 10 of the Town and Country Planning (General Development Procedure) Order 1995 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

Planning Conditions

1. Prior to occupation of the development the proposed new access to the site from Park Street/The Broadway and the pedestrian route to Great North Road shall be completed and constructed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the access is constructed to the highway Authority's current specification.

2. Prior to the commencement of the development a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved plan.

Reason: to ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity and to ensure that the impact of the construction traffic on the local road network is minimised.

Informatives
It is recommended that the following advisory is included in planning permission documentation to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980.

AN1.To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. 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". Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Highways Area Office at Highways House, 41-45 Broadwater Road, Welwyn Garden City, Herts, AL7 3AX to arrange this.

Background
The application site is currently occupied by 'The Parade', a row of 7 retail units with 7 maisonettes located above. The remainder of the site is occupied by Salisbury Square itself, which provides a small area of open space to the south of The Parade, and a surface car park to the north of The Parade.

The current vehicular access to the site is provided via a priority T-junction on Great North Road.

The proposed development comprises of 4 retail units and the existing and a private housing scheme of 19 apartments and 5 houses. The net increase in land use is 605sqm GFA of retail space and 12 dwellings.

Access
The existing vehicular access to Great North Road will be retained in its current arrangement, providing direct frontage access to the housing units at the north of the scheme.

A new vehicular access, allowing entry only, is proposed from Park Street to the southeast of Salisbury Square at a point approximately opposite Fore Street. The new vehicular access will allow local traffic to access the proposed retail units and residences from Park Street, whilst restricting through traffic from Great North Road to Park Street.

Servicing for the proposal will be from taken from the Great North Road junction.

A new pedestrian access will be created to the area east of the job centre. The applicant states that the principle aim is to create a visual and pedestrian connection with the railway station/bus interchange.

Highway Adoption
A large proportion of the roads in the site are currently classified as public highway. The applicant has stated in that the internal roads are intended to become 'stopped up' and become privately maintained. The applicant has provided a plan (1458-SK-001) which indicates the area of the highway to be stopped up. The highway authority has no objection to the principle or the extent of the stopping up but consideration must be given to the rights of access for any Park Street (and other) properties with rear access to the existing highway in the area.

Access to Park Street
There is currently a pedestrian access to Salisbury Square opposite Fore Street. The proposal includes reconstructing this area to allow vehicles to enter Salisbury Square from this direction. The road will be narrow and it will operate in a one direction, vehicles will not be permitted to exit into Park Street from this direction. The nature of the road and the initial design being put forward by the applicant will naturally lead to low vehicle speeds.

Rights of Ways
There are several Rights of Ways within the site. Over time it appears the routes as shown on the definitive maps have not been updated to match the development across Salisbury Square. If planning permission is granted Hertfordshire County Council will work with the developer to formally re-establish appropriate routes across the site between the subway on Great North Road and existing path adjacent No23 Park Way.

7.5 **Hertfordshire County Council Planning Obligations Officer** – Based on the information to date for a development of 24 dwellings (comprising 4 one bed 15 two bed flats and 5 three bed houses with the demolition of 7 three bed

houses (all open market)) we would seek the following financial contributions and provision, as set out within HCC's Planning Obligations Toolkit. I am currently awaiting confirmation of need in respect the contributions towards education and childcare.

Please note, if the size, number or tenure of any of the dwellings changes, this calculation will need to be reviewed.

Financial Contributions
Primary Education £15,213
Childcare £954
Youth £170
Libraries £2,085

All calculations are based on PUBSEC index 175 and will be subject to indexation.

Provision
Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

Justification
The above figure has been calculated using the amounts and approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: www.hertsdirect.org/planningobligationstoolkit

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents and Circular 05/05. PPS1: Delivering Sustainable Development, sets out the planning system. It seeks to ensure that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community. It also advises that the provision of a transparent flexible, predictable, efficient and effective planning system through the provision of a plan led approach is needed to deliver sustainable development. PPS3: Housing, covers the Government’s objectives on planning for housing. It indicates that developments should be located in areas with good access to key services and infrastructure.

The development plan background supports provision of planning contributions. The provision of community facilities is a matter that is relevant to planning. The contribution sought will ensure that additional needs brought on by the development are met. The approach to seeking contributions as set out within the Toolkit is consistent, fair and transparent, providing certainty to all involved in the process.

The production of the Toolkit document reflects the advice at paragraphs B25-30 of Circular 5/05, which among other things requires all tiers of government with legitimate land-use planning interests to be involved at an appropriate level and in a focused way in providing an evidence base and setting planning obligation policies, providing certainty to all involved in the process. The cumulative impact of development on local service provision is also an important consideration. As set out in paragraph 10.2 of the Toolkit, the use of formulae and standard charges is a means of addressing the likely cumulative impact of development in a fair and equitable way. Accordingly, financial contributions may be pooled to address cumulative impact, as set out in paragraphs B21-B24 of Circular 05/05 and paragraphs 7.5 and 16.4 of the Toolkit.

The provision of public fire hydrants is not covered by Building Regulations 2010 (Part B5 as supported by Secretary of State Guidance 'Approved Document B')

(ii) Directly related to the development;

The occupiers of new residential developments will have an additional impact upon local services. The financial contributions sought towards the above services are based on the size, type and tenure of the individual dwellings comprising this development following consultation with the Service providers and will only be used towards services and facilities serving the locality of the proposed development and therefore, for the benefit of the development's occupants. (As set out within HCC's Toolkit and template Section 106 deeds) Only those fire hydrants needed to serve the proposed development are sought to be provided by the developer (as set out within HCC's Toolkit and the template Section 106 deeds)

(iii) Fairly and reasonable related in scale and kind to the development.

The above financial contributions have been calculated according to the size, type and tenure of each individual dwelling comprising the proposed development (based on the person yield) (as set out within HCC's Toolkit) Only those fire hydrants needed to serve the proposed development are sought to be provided by the developer (as set out within HCC's Toolkit and the template Section 106 deeds)

Please note, financial contributions and provisions are requested based on current service information for the local area however these may change over time, for example, as a result of school forecast information being updated. Accordingly, future applications on this site will be reassessed at the time of submission and the requirements may differ from those identified above.

7.6 **Hertfordshire Constabulary** – No response (consultation expired 02/11/2011)

7.7 **Hertfordshire Fire and Rescue Service** – Emergency appliance access should be in accordance with Section B5 of Approved Document B.

7.8 **Hertfordshire County Council Archaeologist** – The site lies partly within and adjacent to Area of Archaeological Significance No.17, as identified in the Local Plan. This notes the medieval settlement of Hatfield (HER6822) which is

called *Hetfelle* in Domesday Book. It is also recorded in a 10th century charter of Ely Abbey. Excavations in Hatfield have found evidence of medieval occupation. The parish church of St Etheldreda dates from the 13th century. The nearby Hatfield House and gardens were built in the early 17th century on the site of a 15th century palace.

The Historic Environment Record (HER) notes that evidence of Roman (HER) and medieval and post-medieval occupation (HER1852) has been found on the site of the car park. Medieval and post-medieval occupation has also been found along Park Street (HER6566, 6825, 6861).

An archaeological desk-based assessment which has been submitted with this application notes that the potential for surviving archaeological remains in the area of the car park is medium but lower across the rest of the site.

The proposed development is therefore likely to have an impact on heritage assets, and I recommend that the following provisions be made, should you be minded to grant consent:

1. an archaeological field evaluation of the site before any demolition or development commences, this may include trenches and test pits,
2. such appropriate mitigation measures indicated as necessary by that evaluation. These may include:
    a) the preservation of any remains in situ, if warranted,
    b) appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
    c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
    d) such other provisions as may be necessary to protect the archaeological interests of the site.
3. the analysis of the results of the archaeological work and the production of a report

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Planning Policy Statement 5 (HE7, HE12 etc.) and the guidance contained in the Historic Environment Planning Practice Guide. In this case two appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants. I suggest the following wording (based on model condition 55 DoE circ. 11/95):

A. *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:*

    1. *The programme and methodology of site investigation and recording*
    2. *The programme and methodology of site investigation and recording as suggested by the archaeological 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 Archaeological Written Scheme of Investigation.*

B. *The development shall not be occupied/used until the archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition (A) and the provision made for analysis,*

C. *The development 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 (A) and the provision made for analysis and publication where appropriate.*

If planning consent is granted, I will be able to provide a design brief detailing the requirements for the investigations and provide information on professionally accredited archaeological contractors who may be able to carry out the investigations. Please allow 5-10 working days for this document to be issued and a further 5-10 working days for consideration of any submitted archaeological Written Scheme of Investigation. The applicant should send a copy of this letter to their archaeological contractor.

7.9 **Hertfordshire County Council Minerals and Waste** – No response (consultation expired 02/11/2011)

7.10 **Welwyn Hatfield Borough Council Environmental Health Department** – I have looked at the applications and have been contacted by either the agent or applicant. They appear to be reluctant to provide a noise report at this stage, which would be my preferred option. However, I do not think that the site would fall into NEC category C or D which would indicate refusal on noise grounds so can accept that noise exposure information could be provided at a later stage as part of a condition, if you were minded to approve application.

Most of the site is screened from the road and railway by existing buildings, but the proposal does include some flats which will face the gap between the public house and the block of buildings that form the bulk of the Western boundary to the site. These will be the residential units that will have the most significant exposure, and the degree of this would need to be established so that suitable attenuation measures could be put in place. We would be looking to ensure that the “good” internal noise levels indicated by BS8233 are not exceeded. If this could only be achieved with closed windows, the applicant would need to submit details of a suitable mechanical ventilation system which could provide sufficient ventilation under these circumstances.

7.11 **Welwyn Hatfield Borough Council Client Services** – No response (consultation expired 02/11/2011)

7.12 **Welwyn Hatfield Borough Council Landscape Department** –

Arboriculturally

There are several trees within the proposed development site. The majority are within the care or ownership of Welwyn Hatfield Council. Although they have some amenity value, they are not of sufficient quality to protect with a Tree Preservation Order. The majority are to be removed.

No landscape plan has been submitted but the suggested tree planting on the site plan concentrates on numbers rather than long term size or stature. The tree species should be the largest stature tree for the locations. Planting locations should also be identified to the entrance of the job Centre car park and within Salisbury Square.

Any tree planted in hard standing or which will have more than a quarter of the potential root protection area under hard standing should be given the best rooting environment possible and use soil amendments or 3D anti-compaction products such as Silva Cell.

I would be also interested if any lighting or CCTV is to be sited close to the proposed trees and if any trenching for services and utilities will be excavated close to any trees.

Will any changes to the highway, due to the proposal, which are outside the site boundary, affect any other trees?

Landscape

The proposal does not indicate any additional landscaping. The area adjacent to, and north of, York House, within the site, will need some sort of softening with the use of landscaping. These details will need to be submitted to the Council for approval.

Details of the bed design east of Unit D should be submitted to the council for approval.

Our main concern was the proposed Salisbury Square. It has been designed as a sea of hard standing with a handful of trees and some parking. The LA considers that the use of a single level, with no kerbs, area is a useful and practical space. However, the same effect and practical space could be achieved whilst using grass and large crowned trees. I would agree with the use of large crowned trees in this area as a solar shade reducing the urban heat island effect, reduce the amount of rain runoff, dampen noise and soften the look of the area. Point 2.20 of the Design and Access statement notes that residents expressed a strong desire for a safe, welcoming environment, with more flexible and useable space. The use of some soft landscaping could achieve this.

Summary

Overall we have no objections to the redevelopment of this part of Old Hatfield. We do have some minor concerns with regard to tree planting and soft landscaping which can be dealt with through planning conditions.

The layout and design of the proposed Salisbury Square does give us cause for concern. As this is an integral part of the development this concern should be addressed before we commit to the landscape.

7.13 **Welwyn Hatfield Borough Council Building Control** – No response (consultation expired 02/11/2011)

7.14 **Welwyn Hatfield Borough Council Parking Services** – No response (consultation expired 02/11/2011)

7.15 **Welwyn Hatfield Borough Council Housing Department** – We welcome the proposals to redevelop and regenerate the square and provide new housing. However the Council will lose 2 x 3 bedroom maisonettes which are currently available for general needs rent and offer secure tenancies. 3 bedroom units are in high demand for families

One property is currently occupied and will require relocating of the tenant to alternative accommodation.

Statutory Home loss and disturbance payments in the region of £10,000 will be required as part of the relocation process.

Can some consideration (at a minimum) be made that would require the developer to meet the costs to be incurred by the Welwyn Hatfield Community Trust.

Policy H7 – District Plan

We note that 24 new homes will be provided within the proposed redevelopment. This is under the current threshold of 25 units that would trigger as planning obligation requirement to provide a 30% affordable homes provision, no new affordable housing element will be provided.

We are unclear as to the overall development site size but assume that it is also below the 1ha that would trigger a 30% requirement and therefore provide up to 7 new affordable units. In such a scenario the net gain of new affordable homes would be 5 units as 2 existing affordable units will be demolished

It is a concern that the loss of existing affordable housing is not being reprovided, especially in the current market conditions when delivery of new affordable homes has reduced significantly and there is a substantial increased demand to provide affordable housing.

7.16 **Thames Water** –

Waste Comments

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 3 metres 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.

Surface Water Drainage

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. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

7.17 **Hertfordshire Biological Records Centre** – A day time inspection of the building took place on 23rd November 2011. No signs or evidence of roosting bats was found and it was concluded that no further survey work was required at this time. However, the report recommends that a precautionary approach to demolition works is taken, particularly with regard to an area of hanging tiles at the eastern end of the south-facing aspects of Units 5A and 6A. The report also recommended that demolition work should take place during the period mid October – end of February.

HBRC recommendations:

The following conditions should be attached to any permission granted:

1. 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.

2. Demolition work on Units 5A and 6A will take place during the period mid-October – end of February.

7.18 **Veolia Water** – No response (consultation expired 02/11/2011)

7.19 **EDF Energy** – No response (consultation expired 02/11/2011)

7.20 **Transco** – No response (consultation expired 02/11/2011)

7.21 **British Gas** – No response (consultation expired 02/11/2011)

7.22 **British Telecommunications Plc** – No response (consultation expired 02/11/2011)

8 Representations Received

8.1 The application was advertised by site notice, newspaper notice and neighbour notification letters. 14 representations were received in total from neighbouring occupiers, landlords, local businesses and Old Hatfield Residents Association. Representations were received from addresses in Salisbury Square, Park Meadow, Park Street, Fore Street, Church Street and Batterdale. Eight representations were submitted as observations, five as objections and one in support. The majority of representations supported the principle of redeveloping Salisbury Square but also expressed concern relating to specific elements of the proposal.

8.2 Summary of representations received in support of the proposal:

- The road is required to pump some life and activity back into the Square
- The configuration of the road would minimise the rat-run concerns and ensure slow speed
- A farmers market is well suited to Old Hatfield
- The proposed new layout would open up the square and remove the intimidating atmosphere and help prevent antisocial behaviour
- The redevelopment will enhance the environment of Old Hatfield making it a much more pleasant place to live
- Without this initiative Old Hatfield will only see further decline and neglect
- There would be no loss of amenity as the current space is not used

8.3 Summary of objections received:

- Business would suffer as the existing retail units are to be demolished before new premises are made available
- New retail units would be unaffordable
- The development would result in the loss of the only accessible laundrette
- The proposed square is too small for the activities proposed, especially a farmers market
- The café seating area appears to be squeezed into a shady area and would be more appropriately located within the centre of the square
- The development affects the setting of several Listed Buildings in a Conservation Area
- The position of block B1 is in the path of afternoon sun for residents on Park Street which are situated at a lower ground level
- A detailed lighting plan has not been submitted
- Concern over loss of existing mature trees and lack of a detailed landscaping scheme
- The Council must do something about relocating the Job Centre or making it feel more welcoming to those who need its valuable service
- If the reason for not having a public toilet in the Job Centre is potential drug abuse, then providing the facility in the Square will just shift the problem
- The proposed car parking would be improved by the introduction of trees between bays and at the perimeter

- Refurbishment and extension of existing buildings would have a lower carbon footprint
- A pre-demolition audit and site waste management plan, including reuse of materials, should be presented
- The existing public recycling facility should be relocated to avoid nuisance
- Loss of 15 public parking spaces could drive out existing businesses and put off others from taking the vacant offices
- Parking considerations do not take account of businesses which lie just outside the site boundary
- The proposal would dramatically reduce the area of public space
- Object to the road and parking in favour of creating a more usable garden area
- Great attention paid to the proposed buildings but a disregard for the amenity value of trees and green areas
- Concern over noise disturbance during demolition and construction
- The applicant is proposing not to make any financial contributions towards social and community infrastructure nor are they providing any affordable housing
- The road into the square will result in more pollution
- The road is too close to existing buildings preventing windows from being opened and making access more difficult
- The retail unit allocated for a supermarket is unlikely to be large enough to appeal to a major retailer
- The proposed buildings should be no higher than the existing three storey buildings or the 1930's buildings
- There would be a net loss to biodiversity
- The surrounding streets are poorly suited to increased traffic
- There may be an impact on sewerage infrastructure

8.4 Summary of representation received from Old Hatfield Residents Association:

- The majority of residents would like to see improvements to the Square which has become increasingly rundown over the years
- Salisbury Square is currently struggling to attract investment by retailers
- Improved shopping facilities present huge appeal to many residents, however, the majority of residents do not feel that this is economically viable or feasible with just four units
- Residents want improved retail facilities without the existing business being pushed out
- Support for improved pedestrian access from the train station
- Park Street residents are concerned about the height of the new buildings and the car park harming their view, reducing sunlight and noise disturbance that a housing development would create.
- The proposed road divided opinion; it would potentially benefit retail units by encouraging footfall whilst others objected due to the potential of creating a rat-run; potentially dangerous crossroad; Job Centre clients would circle to square and use any available parking
- The proposal would destroy the only existing traffic free, public green space in Old Hatfield which is easily accessible throughout the year
- Mature trees and shrubbery would be removed
- The resulting Square would not be large enough for the events proposed such as a farmers market

- Some residents would like the square levelled and the provision of a traffic free garden to include a small play area
- Cycling provision and toilet facilities should be included
- The proposed does not provide sufficient parking for housing development and existing business
- Planting is important for noise reduction, wind speed, and to mitigate hard surfacing
- A detailed lighting plan has not been submitted
- A waste management plan has not been submitted
- Bins at curtilage boundaries are an unacceptable nuisance
- Future occupants would be encouraged by allocating some of the 12 parking spaced outside the largest retail unit to shoppers
- The plans are completely without detail on the landscaping and use of Salisbury Square
- Concern about the lack of landscaping and green areas in the plans and in the developments already built at Dunhams Yard

8.5 The Welwyn Hatfield Access Group were consulted on this planning application and responded by letter, dated 26 October 2011, addressed to the applicant's agent and copied to the Council. This letter provided a review of the access arrangements for the proposed development and requested clarification of nine points. The applicant's architect replied to the queries raised in a letter dated 29 November 2011. No further correspondence has been received.

9 Town Council

9.1 Hatfield Town Council – The Town Council support the application but wished to see public toilets included in the proposals.

10 Discussion

10.1 This application is presented to the Planning Control Committee as Welwyn Hatfield Borough Council has a land ownership interest in the application site and objections have been received.

10.2 The main issues to be considered are:

1. **The Acceptability in Principle of Development**
2. **The Impact of the Proposed Development on the Historic Character of the Conservation Area and the Setting adjacent Listed Buildings**
3. **Impact Upon the Residential Amenity of the Adjoining Occupiers**
4. **The Impact on the Highway and Car Parking Provision and Access**
5. **Landscaping**
6. **Planning Obligations and Developer Contributions**
7. **Environmental Impact and Sustainability**
8. **Archaeology**
9. **Other Material Considerations**

1. The Acceptability in Principle of Development

10.3 Policy R1 requires development to take place on previously used or developed land. Development will only be permitted on 'greenfield' land where it can be demonstrated that no suitable opportunities exist on previously used or

developed land. This policy applies to all development proposals in the borough and does not simply relate to housing.

10.4 The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed (brownfield land). The application site is situated within the town of Hatfield as outlined in the Welwyn Hatfield District Plan 2005. This site has previously been developed and currently consists of Salisbury Square itself; a surface car park; a shopping parade with retail floorspace totalling 630sqm at ground floor level and seven maisonettes above. Following demolition of the shopping parade and maisonettes, it is proposed to provide a public square; four larger retail units totalling 1,235sqm; 4no. 1 bedroom flats and 15no. 2 bedroom flats; a new two level car park; and a terrace of 5no. 3 bedroom houses.

10.5 The site is not an allocated housing site and so is considered to be a 'windfall site' and Policy H2 applies. Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:

1. The availability of previously-developed sites and/or buildings;
2. The location and accessibility of the site to services and facilities by transport modes other than the car;
3. The capacity of existing and potential infrastructure to absorb further development;
4. The ability to build new communities to support infrastructure and provide demand for services and facilities;
5. The physical and environmental constraints on development of land.

10.6 Whilst the housing target set within the District Plan has been met, the national situation has changed to the extent that it is considered that the country is not building sufficient housing to meet its needs. It is therefore considered that the windfall residential development proposed would not result in an oversupply of dwellings even when taking account of other developments that have been granted planning permission, but have not yet been implemented. The application site is located within an existing residential area and as such the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable against the criteria set out in Policy H2 subject to an assessment of the scheme against the adopted and emerging policies governing residential development, namely whether it is designed to be in keeping with the character and quality of the local environment, ensuring that there is a proper means of access and adequate parking provision. Additionally, it will be important to ensure that there is adequate space between buildings to avoid the loss of amenity to neighbouring properties, for example by overshadowing, loss of privacy etc.

10.7 Retail development in Old Hatfield is guided by Policy TCR24 which aims to maintain and improve the provision of convenience retail uses. The preamble to this policy identifies that Old Hatfield has a unique retail function. Whilst retaining some of the characteristics of a Large Village Centre, it does not perform exactly the same functions because it serves the local business community, as well as local residents, and as such displays a mix of specialist and service uses. These uses are not located in one frontage, but are

dispersed within the centre, being based both in and around Salisbury Square. The Council recognises that Old Hatfield has suffered from pressures for change of use from convenience retail uses to either specialist retailing uses, or non-retail uses, such as service and hot food outlets, and that this has eroded the provision of local, convenience shopping. It is therefore considered important to maintain and, if possible, improve the provision of convenience retail uses.

10.8 The retail units with The Parade are currently occupied by a Costcutter local supermarket (A1), a hairdresser (A1), an insurance broker (A2), a Chinese takeaway (A5), an Indian takeaway (A5) and a laundrette (Sui Generis). The remaining unit is vacant. The proposal would increase the amount of Class A1 retail floor space within Salisbury Square and also seeks to extend the retail frontage in the square which meets the aspirations of Policy TCR24. The principle of the acceptability of retail use within the new building is therefore acceptable.

10.9 Public consultation during the Old Hatfield Charrette revealed a desire for a café or tea shop within Old Hatfield and a suitable premises, with an associated outdoor seating area, has been identified on the proposed site plan and ground floor plan. Taking account of the various uses of the existing units and the desire for a café or tea shop it is considered reasonable to permit some flexibility in the use of the new units. A flexible planning permission for a pre-defined category of land uses and a range of floorspaces would allow the change of use of the various units within the development without requiring planning permission.

10.10 The Town and Country Planning (General Permitted Development) Order 1995, at Schedule 2, Part 3, Class E makes provision for flexible planning permissions, that is permission which authorises alternative possible uses. Once permission had been implemented, Class E would allow a change to another authorised use at any time up to 10 years from the date of permission was granted, though only in accordance with any condition, limitation or specification relating to it in the permission.

10.11 It is suggested that the permitted use of the retail units should 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. A planning condition which makes provision for alternative possible uses of the new units would provide the flexibility to accommodate some non-retail uses whilst retaining a minimum 50% provision of convenience shopping to ensure the vitality and viability of Old Hatfield is not prejudiced.

10.12 A number of representations were received from members of the public and Old Hatfield Residents Association which raised concerns regarding the viability of the new retail units. It has been suggested that the new units would be unaffordable and would not be large enough to attract to appeal to a major retailer. The viability of this or any other scheme is based upon its ability to secure sustainable levels of rental income. Rents will be assessed in line with market conditions. Located as it is, between the busy locations of Hatfield Park and Hatfield Station the development should benefit from natural footfall which would provide demand subject to an attractive environment and the right tenant mix. The addition of new high quality flats and houses will further serve to provide local demand for convenience stores and services.

10.13 Some residents were concerned that existing business would suffer as the Parade would be demolished before new premises are made available. The applicant's agent has advised that all existing occupiers will be considered in accordance with their lease terms. Where appropriate, retail tenants will be offered opportunities to re-locate to neighbouring units for the duration of the building works. The retail units have been designed with potential for subdivision into a number of smaller units should this be appropriate, although it should be noted that planning consent would be required to facilitate subdivision of units.

10.14 In summary, when viewed alongside the current Dunham's Yard development, the proposal will form a mixed use development that provides for a mixture of high quality B1 office units, retail and residential uses. The residential units provide a variety of house types and sizes.

2. The Impact of the Proposed Development on the Historic Character of the Conservation Area and the Setting adjacent Listed Buildings

10.15 The site lies within the specified settlement of Hatfield which is excluded from the Green Belt by policy GBSP2. This policy seeks to limit development to that which is compatible with the maintenance and enhancement of the character of the area. Additionally Policies D1 and D2 of the District Plan apply. These policies aim to ensure a high quality of design and to ensure that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area.

10.16 The Council's Supplementary Design Guidance; Statement of Council Policy 2005 outlines that the context of a site is crucial, and a clear appreciation of this in the design of new development is the starting point for creating distinctive and attractive places. The design and layout of the development should be informed by the wider context, i.e. with regard not just to the neighbouring buildings, but also to the townscape and landscape in the wider locality.

10.17 Furthermore, it is essential that the new development responds to building forms and patterns of the existing buildings in the detailed layout and design to reinforce a sense of place. The Design Guidance also introduces a number of issues that should be taken into account when considering the context in which a development it to be located.

10.18 In addition to the above, The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character and history; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.19 The site is located within the Old Hatfield Conservation Area. The NPPF outlines a presumption in favour of the conservation of the historic environment. The more significant the element of the historic environment that may be affected by the relevant proposal the greater the presumption in favour of conservation and in many respects, the NPPF follows the detailed

framework laid down in PPS5 but without the specific policies. Policies GBSP2, D1 and D2 of the adopted Welwyn Hatfield District Plan apply which seek high design quality and respect for the character and context of the surrounding area.

10.20 The site is likely to have been included within The Old Hatfield Conservation Area more because of its historic function as part of Old Hatfield, rather than as a reflection of the quality of its environment. The application site relates directly to an area which was comprehensively redeveloped in the early 1970's and most of the buildings and public spaces within and around the site date from this time. This area is in need of regeneration as it has a poor appearance, characterised by a number of vacant shops and poor quality open space. The resulting character and quality of the built environment in this area contrasts markedly with the more historic parts of Old Hatfield. None of the buildings within the application site are statutorily listed, although the site adjoins a number of Grade II Listed Buildings which front onto Park Street. With regard to the demolition of the existing property, it is considered that subject to a high quality development on the site which meets the relevant policies within the District Plan, its demolition would not be detrimental to the character and appearance of the locality. However, it would be necessary that any development granted permission was constructed.

10.21 The rationale behind the application proposals is to take elements from the area's past and present in order to create a superior public realm. It is proposed to reinstate a road along the Square's southern and western sides, on the historic route of the Great North Road, while the appearance of Salisbury Square itself will be enhanced. Since the creation of Salisbury Square, Old Hatfield has been cut off from the passing activity of the Great North Road. In one way this is a benefit, as the volume of traffic on the modern road is something to which the streets of Old Hatfield are poorly suited. However, one apparently unintended consequence of the revised street pattern has been to reduce the level of activity passing through the area to the extent that it has led to a serious decline in the vitality of Old Hatfield by reducing the visibility and accessibility of local shops, and removing much of the passing trade. This application proposes to return a road to Salisbury Square, which would bring traffic from Park Street through to the Great North Road. The road would also cater for traffic entering the site from the Great North Road and visiting Salisbury Square, but would not provide a through route in this direction. Traffic wishing to access Park Street and the rest of Old Hatfield would still use the existing access from the A1000 roundabout and via The Broadway. Vehicular access to the Square, and short-stay parking spaces, would increase the potential for passing trade which would improve demand for businesses situated within the Square.

10.22 Salisbury Square currently accommodates quite a large space at its centre, but the design of this space is poor, and is considered poorly maintained and underused. The application proposes to reduce the size of the open space, but also to make the new space far more user-friendly.

10.23 The edges of Salisbury Square will be pedestrianised, with the current pathway on its western side retained, and a wider pathway incorporated on the eastern side. The new road would run along the southern and western sides of the Square, while a turning loop would run around the opposite side. A public open space would be located within the loop formed by the new road.

10.24 When viewed from the south, the frontage of the Job Centre will perform the dual function of enclosing the new Square, and leading the eye along the new road. The curve of the buildings on the western side of the Square follows the route of the old Great North Road. For this reason, the route of the proposed new road, leading to further development beyond Salisbury Square, will be well defined. This will help to encourage pedestrian trade to venture beyond the immediately visible bounds of the Square towards the proposed shops beyond.

10.25 In terms of height, scale and relationship with the street scene and locality, it is considered that the new buildings that would front the Square would appear appropriate in their context and will relate well to the existing pattern of development. The new buildings would be four storeys in height, with a ridge height of approximately 12m. The two buildings would be 1.3m lower than the Job Centre building and stepped, reflecting the change in levels across the site. The ground floor of the proposed buildings would be characterised by traditional shop frontages which would form the edges of Salisbury Square. The first and second floors would comprise of facing brick whilst the third floor would be accommodated within a slate mansard roof featuring dormer windows.

10.26 As Salisbury Square would be a smaller public space, the new buildings would create a stronger sense of enclosure and a more intimate space. This would accord with District Plan Policy D3, Continuity and Enclosure. The two new buildings will be positioned in line with each other, but will also be separated by a gap which would allow pedestrian access to the car park to the north, as well as space for outdoor seating. This gap would also allow views between the buildings, giving a sense of space and light to balance the sense of enclosure which the buildings would create. The development would not appear unduly cramped or intrusive. Overall, the architectural style, roof form, windows and detailing proposed is acceptable and that, subject to the use of high quality materials, the development will be to the standard expected within this area. It is considered that the new buildings will visually enhance Salisbury Square and the traditional style of their design overall relates acceptably to the design of adjacent buildings.

10.27 The car park to the north of Salisbury Square would cover approximately the same area of the site as the existing car park. However, its capacity would be increased from 109 to 141 spaces, as the replacement car park would take advantage of the natural slope across the site to accommodate a lower deck for additional parking. The new car park would be enclosed by development with the retail units and flats immediately to the south and west. The new terrace of five houses would be situated to the north. 15 of the 19 flats will overlook the area, as will the rear of the terrace houses. The design therefore engenders a high degree of natural surveillance. The new car park has been designed with brick arches reminiscent of the listed brick viaduct over Park Street.

10.28 The proposed terrace of houses to the north of the new car park will face a similar terrace being part of the Dunhams Yard redevelopment. The two terraces will create a new residential street and will bring activity to an area currently dominated by back yards and surface car parking. The new terrace of houses will form a strong sense of enclosure and recreate a former street at this location. The submitted Heritage Statement identifies that there was formerly a row of houses broadly in this location called (Viaduct Villas) and

also an old street in this location called Arm and Sword Yard. The houses would be two storeys in height with further accommodation in the roofspace. Each house would feature a small dormer window to the front and rear which would be reflective of the character of other recent residential development within the immediate area. The houses would be set on lower ground to the new buildings in Salisbury Square and would be stepped up the hill towards the Great North Road. The terrace has been designed in a traditional style, reminiscent of many of the older buildings in Old Hatfield in terms of their door and window types and sizes, building height, roof pitch and materials. The scale of the new street would be similar to that of many of the older streets in the nearby area, such as Fore Street and Park Street.

10.29 In addition to the above, Policy D1 of the District Plan together with the Council's Supplementary Design Guidance makes it clear that all new residential developments should provide adequate private gardens. Although the Council do not apply rigid standard sizes for gardens, the guidance states that gardens should be functional and useable in terms of their width, depth, shape and orientation.

10.30 In this instance, the proposed terrace of 5no. 3 bedroom dwellings would benefit from rear gardens which would have a depth similar to the gardens serving the terrace of house on the opposite side of the road. These houses are currently under construction as part of the Dunhams Courtyard development approved under planning ref S6/2005/0432/FP. Although the rear gardens for the proposed terrace of 5no. 3 bed houses are not large, these gardens face south and are not so small that they would not provide the minimum to be expected of a garden (ie clothes drying and "sitting out" etc). It is also relevant that all residents of Old Hatfield are presently able to access the Hatfield Park Estate free of charge and enjoy the large areas of open space that this offers. The gardens are therefore considered to be adequate to serve the needs of future occupiers both in terms of their size and their orientation.

10.31 Due to the limited garden depths, it is suggested that permitted development rights be removed from the properties within classes A (the enlargement, improvement or other alteration of a dwellinghouse), B (the enlargement of a dwellinghouse consisting of an alteration to its roof), C (any other alteration to the roof of a dwelling house), D (the erection or construction of a porch) and E (outbuildings or enclosures) of the General Permitted Development Order to enable the Local Planning Authority to fully consider the effects of development permitted by that order in the interest of residential and visual amenity.

10.32 The proposed 1 and 2 bedroom flats would not benefit from any private amenity space, however, occupiers would be able to make use of the open space within Salisbury Square as wells as a more informal area of soft landscaping located within a short walking distance, approximately 80m, to the north of the viaduct. This is considered satisfactory as future occupants of the proposed flats would be aware of the surrounding environment and the urban character of the locality. Also, as previously stated, all residents of Old Hatfield are presently able to access the Hatfield Park Estate free of charge and enjoy the large areas of open space that this offers. Subsequently, on balance, no objections are raised in this regard to Policy D1 and the Council's supplementary design guidance.

10.33 Overall the proposal is reflective of traditional development within the locality and the design and layout of the scheme would contribute positively towards reinforcing the character of Old Hatfield. The resulting bulk and scale of the development would be comparable to the existing buildings which front onto the Square whilst creating a stronger sense of enclosure and continuity. The proposed terrace houses would face a development of houses similar in design and scale creating a new street. The proposal takes advantage of the natural slope across the site to accommodate a decked car park within a compact area enclosed by development. It is considered that overall the scheme provides an efficient use of space that would be adequately compatible with the maintenance of the character and context of the area. In this respect, no objections are raised with regard to the NPPF and Polices GBSP2, H6, D1 and D2 and the Supplementary Design Guidance, Statement of Council Policy.

3. Impact Upon the Residential Amenity of the Adjoining Occupiers

10.34 Policy D1 of the District Plan applies which seeks to provide a good standard of design in all new development. The Council's Supplementary Planning Guidance supplements Policy D1 and expects that development should not cause loss of light or be unduly dominant from adjoining properties, as a result of either the length of projection, the height or the proximity of the development. In addition, the Council expect that all new residential development should be designed, orientated and positioned in such a way to minimise overlooking between dwellings.

10.35 With regard to properties on Park Street, approximately 26m separation distance would be maintained between the rear elevation of the nearest property, No.7 Park Street, and the new building fronting Salisbury Square. This is considered to be a sufficient distance to cause no undue detrimental impact in terms of an overbearing impact or a loss of light. The decked car park would be about 28m from the rear elevation of the nearest property. In response to neighbour comments, the applicants have updated the architectural sections (Drawing 789-130E) showing the relationship between the existing and the new buildings. This shows that the height of the car park is comparable to the existing car park which is on rising ground and partly enclosed by a series of retaining walls and landscaped planting beds. The new car park utilises the natural slope of the land and the lower deck is achieved through excavation rather than an overall increase in height. There is a reasonable degree of separation between the properties in Park Street and the new buildings

10.36 The introduction of a road through the Square will inevitably lead to some additional noise from traffic movement. However, the design of the road layout, the surface materials and the surrounding environment would naturally lead to low vehicle speeds. Noise disturbance would therefore be limited and would not be considered unreasonable given the location of the site within an urban environment. As stated previously in this report, the edges of Salisbury Square will be pedestrianised, with the current pathway on its western side retained, and a wider pathway incorporated on the eastern side. Access to properties fronting the Square would be retained and residents would still be able to open windows. Although the residential density of the site would increase, it is considered that this increase would not result in additional noise generation beyond what would be expected as reasonable noise within an urban environment. In terms of impact on neighbour amenity, the proposed development is in accordance Policy D1 Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

4. The Impact on the Highway, Car Parking Provision and Access

10.37 The scheme is not of a scale that would require a Transport Assessment although a Transport Statement has been submitted. The current vehicular access to the site is provided via a priority T-junction on Great North Road. The existing vehicular access would be retained in its current arrangement, providing direct frontage access to the terrace houses at the north of the scheme. There is currently a pedestrian access to the southeast of Salisbury Square at a point approximately opposite Fore Street. The proposal includes reconstructing this area to allow vehicles to enter Salisbury Square from this direction. The new vehicular access will allow local traffic to access the proposed retail units and residences from Park Street, whilst restricting through traffic from Great North Road to Park Street. The road will be narrow and it will operate in one direction. The nature of the road and its design will naturally lead to low vehicle speeds.

10.38 Servicing for the proposal will be from taken from the Great North Road junction. A delivery bay would be provided adjacent to the proposed retail units and the internal layout provides a turning loop which allows service vehicles to enter and exit the site in a forward gear.

10.39 A new pedestrian access will be created to the area east of the job centre with the principle aim of creating a visual and pedestrian connection with the railway station and bus interchange.

10.40 Hertfordshire County Council Transport Programmes & Strategy Department were consulted on this application and do not wish to restrict the grant of permission subject to suggested planning conditions and an informative. The suggested planning condition require that prior to the commencement of the development a “Construction Traffic Management Plan” shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and that the proposed new access to the site from Park Street/The Broadway and the pedestrian route to Great North Road shall be completed and constructed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority. These would all comply with Circular 11/95 ‘Use of conditions in planning permissions’ and are therefore recommended. In addition an informative is suggested advising that alterations to the access requires consent from the Mid Hertfordshire Highways Area Office. Subject to the provision of these conditions and informative, it is considered that the development complies with national, regional and local plan policies.

10.41 A large proportion of the roads in the site are currently classified as public highway. The applicant has stated in that the internal roads are intended to become ‘stopped up’ and become privately maintained. The applicant has provided a plan (Drawing 1458-SK-001) which indicates the area of the highway to be stopped up. The highway authority has no objection to the principle or the extent of the stopping up but consideration must be given to the rights of access for any Park Street (and other) properties with rear access to the existing highway in the area. There are several Rights of Ways within the site. Over time it appears the routes as shown on the definitive maps have not been updated to match the development across Salisbury Square. If planning permission is granted Hertfordshire County Council will work with the

developer to formally re-establish appropriate routes across the site between the subway on Great North Road and existing footpath adjacent No.23 Park Way. An informative should be added to advise the applicant that 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.

10.42 Old Hatfield Residents Association commented that the proposed road divided opinion among residents suggesting that it would potentially benefit retail units by encouraging footfall whilst potentially creating a rat-run and a dangerous crossroad. It should be note that the route into the Square from Park Street would be 'one way' only and no exit would be permitted. The visibility splays and width are sufficient for this purpose and tracked path analysis has demonstrated the suitability of the proposed layout (Drawing 1458/ATR/005 & 1458/ATR/006). Fore Street is a dead end and not considered to be a busy road. Moreover, the fact the new road will be 'access only', further erodes the 'cross roads' argument. The slow speed environment would deter the notion of a rat run. The new route is unlikely to be chosen to bypass queuing traffic on the Great North Road as it would exit opposite the railway station and thus motorists would re-join the same queue. Faced with the queue jumping scenario, motorists are more likely to drive along Park Street and exit by the Red Lion which is an option that already exists.

10.43 In terms of car parking provision, Welwyn Hatfield Council, Supplementary Planning Guidance (SPG), Parking Standards, January 2004, sets out maximum car parking and cycle parking standards. SPG identifies the site as within Zone 2 which includes areas that are accessible by a choice of means of transport. The parking standards relevant to the redevelopment proposals are shown in the table below:

Proposed Use and Use Class	**Maximum Parking Standard**	**Maximum Parking Required**
Small food shops up to 500sqm	1 space per 30sqm	41
Residential – C3 dwellings	0.75 space per dwelling for 1 bedroom dwellings	3
	1.5 spaces per dwelling for 3 bedroom dwellings	7.5
	1 space per dwelling for 2 bedroom dwellings	15

10.44 The site is located within Parking Zone 2 in which 25-50% of the maximum demand based standard will normally be sought for non-residential parking provision. It is therefore proposed that 21 car parking spaces are provided for the proposed retail development. In accordance with the SPG, 26 spaces would be allocated to the new residential units.

10.45 A breakdown of proposed parking spaces is provided within the table below:

Use	**Total Parking Spaces Provided**
Residential	26
Commercial Units	21
Public Car Parking	50
Private Parking	13
Job Centre	31
Total	**144**

10.46 This need has to be considered against the existing parking provision on site which is detailed in the table below:

Use	**Total Existing Parking Spaces**
Residential	0
Commercial Units	0
Public Car Parking	65
Private Parking	13
Job Centre	31
Total	**109**

10.47 It is proposed that public car parking at the site would be restricted to a maximum of two hours in order to control the potential for use by rail passengers. Eight parking spaces are proposed within the Square, which are intended for short-stay parking which would encourage passing trade to visit local businesses. Parking for the residential and commercial units would be controlled by the use of parking permits. Management of the car park would be undertaken by a designated management company.

10.48 The submitted Site Plan (Drawing No.789-109P) and Basement Plan (Drawing No.789-110E) show allocated parking spaces for residential properties, commercial units and the Job Centre. The applicant has informally suggested that the arrangement of allocated spaces is indicative and may be subject to change. Parking spaces do not necessarily need to be allocated as unallocated parking can provide a common resource which can be controlled by use of parking permits. Unallocated parking can be a benefit in terms of catering for parking demand from non-residential uses which will tend to peak during the daytime when residential demands are lowest. The scheme may also benefit from customer parking being made available between the Job Centre and The Hatfield Arms as this area is situated directly opposite the entrance to the largest of the proposed retail units.

10.49 In terms of cycle storage, the Parking Standards SPG identifies a requirement for one secure cycle storage space per flat and one per retail unit. 19 bicycle

racks are shown to be provided within the lower deck area of the car park (Drawing No.789-110E) in accordance with the above standards. A further nine bicycle racks are shown adjacent to the parking area within the Square (Drawing No.789-109P). The terrace houses would benefit from gardens with a separate access. These properties should be provided with a shed or secure cycle store. A planning condition is suggest requiring a scheme for the provision of secure cycle parking to ensure that there is adequate provision for bicycles and powered two wheelers within the application site.

10.50 Overall, the development would not have an unreasonable impact on the safety and operation of the adjoining highway in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005 and Supplementary Planning Guidance.

5. Landscaping

10.51 Salisbury Square itself is not currently a successful place. It was designed to offer a green and open space at the heart of Old Hatfield, however, it suffers from a lack of activity and with relatively little pedestrian traffic through the Square. It fails to make the most of its location, with much of the activity of Old Hatfield happening on the streets outside its boundaries, which are vehicular routes. The open space at the Square's centre is unwelcoming and inflexible, as it is surrounded by a brick wall and which appears poorly maintained. Point 2.20 of the Design and Access statement notes that residents expressed a strong desire for a safe, welcoming environment, and more flexible and useable public spaces.

10.52 A qualified Arboriculturist undertook a survey of the site and produced a report dated 13 June 2011 which was submitted with this application. The tree cover on the area of the site which would be affected by development comprises a total of 20 trees believed to have been planted at the time of the site's redevelopment in the 1970s. They are mainly planted in raised beds and around the car parks. Although they have some amenity value, none are of exceptional quality.

10.53 The trees on site create a pleasant atmosphere and provide shade for users of the various business premises. Some species do have significant potential for future growth and would require major pruning in the next few years if they were to be retained. It may also be difficult to maintain the integrity of the brickwork around the raised areas as the tree roots develop and some damage is indeed already occurring. The proposed development would require the removal of all trees. Although this may appear severe, it could be remediated by planting large new specimen trees once the development is complete. These would quickly replace those trees which were removed, thus creating a green environment once more.

10.54 A well designed, sensitive planting scheme would ensure that the site remains attractive and of high amenity value. The Council's Tree Officer was consulted on this application and a number of suggestions were made. The applicant's architect submitted amended drawings to show an increased amount of planting and larger stature trees. Notwithstanding this it is considered that the drawings submitted for this element of the scheme are very basic. Unfortunately this gives the impression that this key element of the scheme has not been considered fully. The principle concern being the extent of hardstanding proposed. This concern was echoed by a number of

representations received from members of the public and Old Hatfield Residents Association. Whilst it is generally accepted that the existing raised landscaping areas within Salisbury Square have created an inaccessible and uninviting space, some residents would like the square levelled and the provision of a traffic free garden to include grass and a small play area. However, this would conflict with the applicant's vision for the square which aims to create multi functional, accessible space allowing community events such as Farmers markets and Christmas Fairs to be held, bringing locals and visitors to the area. The proposed scheme would level the existing planters and create an accessible space. The new public square would be finished to a high specification and the design allows for a predominantly shared surface, made up of a mixture of conservation granite paving and resin bonded gravel. The Square would be defined by the planting of young trees around the edges. The tree species would be the largest stature tree for the locations. The use of large crowned trees in this area would provide solar shade reducing the urban heat island effect, reduce the amount of rain runoff, dampen noise and soften the look of the area.

10.55 The level of activity and the flexibility of use proposed for the square could not be achieved if the area was grassed. It is therefore considered acceptable to use high quality hard surface materials to create a carefully designed shared surface. Shard surfaces aim to make it easier for people to move around. The design of the road layout, the surface materials and the surrounding environment would naturally lead to low vehicle speeds and create an environment where pedestrians can walk or stop without feeling intimidated by traffic. In the absence of a formal carriageway, motorists entering the area will drive more cautiously and negotiate a right of way with pedestrians on a more conciliatory level.

10.56 Overall the Councils Landscaping and Ecology Department have no objections to the redevelopment of this part of Old Hatfield subject to some minor concerns with regard to tree planting and soft landscaping which can be dealt with through planning conditions. A planning condition is suggested requiring a landscaping scheme to be submitted and approved by the Local Planning Authority. A landscaping scheme would include means of enclosure and boundary treatments, vehicle and pedestrian access and circulation areas, hard surfacing, other hard landscape features and materials, planting plans and street furniture.

6. Planning Obligations and Developer Contributions

10.57 Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations.

10.58 In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

10.59 Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through an s106 legal agreement. In this case, the authority does not have a published list and therefore it is appropriate to seek contributions through an s106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005.

10.60 Hertfordshire County Council (Property) have in accordance with the "Planning Obligations Guidance - Toolkit for Hertfordshire" (Hertfordshire County Council's requirements) January 2008 requested contributions towards Primary Education (£15,213), Childcare (£954), Youth (£170) and Libraries (£2,085). Justification has been provided by County for the need for these sums, as reported under Consultations.

10.61 The applicant has advised that the development appraisal for the scheme shows a negative residual value and as a consequence will not be able to make any financial contributions towards planning obligations. The draft Planning Obligations SPD was published for consultation in September 2010 and provides the most recent guidance on the issue of viability. The guidance advises that where a developer considers that planning obligations impact on the viability of a proposal the onus will be on the developer to demonstrate this through an open book appraisal. Whilst the applicant has submitted an appraisal this indicates that the scheme is not viable due to a funding gap of £1.4m. The County Council have identified that a financial contribution of £18,422 is sought to cover primary education, childcare, youth and library provision. No sustainable transport contribution has been identified. The applicant has quoted paragraph B10 of Circular 05/05 which states:

10.62 *"In some instances, perhaps arising from different regional or site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported, for example, by local or central taxation. If, for example, a local authority wishes to encourage development, it may wish to provide the necessary infrastructure itself, in order to enable development to be acceptable in planning terms and therefore proceed, thereby contributing to the sustainability of the local area. In such cases, decisions on the level of contributions should be based on negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place"'*

10.63 In this instance the scheme has a significant funding shortfall. The addition of £18,422 of planning obligations does not impact on the viability of this development to the degree that development could take place without it and so should continue to be sought. This follows the Councils approach with regard to its own regeneration scheme at Hatfield Town Centre – a scheme that is equally affected by a funding shortfall. In this instance the obligations are continuing to be sought but the triggers for payment are being staggered to reduce their impact on cash flow and it is recommended that a similar approach could be taken for the current proposal.

10.64 The applicant has also requested that the Council investigate whether S106 and CIL funds are able to contribute to the scheme. This is not feasible due to the restrictions imposed on planning obligations and CIL as a result of the CIL regulations. Furthermore, there is no CIL for this borough as yet and this would be dependent upon a successful examination process.

10.65 Policy H7 Affordable Housing requires the provision of affordable housing for sites over 1 ha or for schemes in excess of 24 dwellings. The proposal does not meet either of these criteria and so no affordable housing is sought in this instance. It should be noted that whilst the scheme will result in the loss of two affordable housing units there is no policy provision to require their replacement; furthermore, this scheme will result in a net gain of 18 open market dwellings.

7. Environmental Impact and Sustainability

10.66 The applicant has submitted an energy statement in accordance with the East of England Plan 2008. Policy ENG1 requires the provision of a minimum of 10% of energy to be provided from renewable, decentralised or low-carbon sources. The pre-amble to the policy details that the aim is to reduce carbon emissions by 26-32% below 1990 levels by 2020.

10.67 The applicant has completed a sustainability checklist which highlights that the scheme generally responds positively to the topic areas that are required to be considered. In addition a Renewable and Low Carbon Energy Options Appraisal has been prepared in support of the application. This appraisal identifies three renewable energy technologies that would be feasible within the development and could be used to generate at least 10% of its energy demand:

1. Installation of high efficiency solar thermal collectors on the flat roof sections of the mansard roofs and rear roof elevation of the houses to meet a proportion of the development's hot water demand

2. Use of ground source heat pumps to provide space heating to the flats

3. Biomass-fired heating and hot water within the apartments and commercial units

10.68 Each of these options has its own advantages and limitations. The first two (solar hot water and ground source heat pumps) would have very little/no visual impact on the scheme and have very low maintenance and operational requirements. However, to meet the entire heating and hot water demand of the development, both would require secondary systems (such as gas boilers or electrical hot water respectively). Whilst a biomass-fired community heating system would result in greater ongoing operational demands and the provision of more space within the scheme for plant and fuel storage, it could be sized to meet the entire hot water and heating demands for the scheme without requiring additional plant to be provided.

10.69 The availability of adequate storage space for biomass fuel is considered to be a major limiting factor that counts against the use of biomass heating and for this reason the appraisal concludes with a recommendation that this option is not taken forward and that the use of solar hot water should be considered as the preferred option, with the additional option of combining it with a communal

heating system supplied by a ground source heat pump (GSHP). Using a combination of technologies would enable a greater overall reduction in carbon emissions by meeting much of the development's hot water and space heating requirements from renewable and low carbon energy sources.

10.70 The findings of the appraisal are based on an assumption that the energy efficiency of the development is designed to the minimum standard required to meet Building Regulations. However, if enhanced standards of building fabric are used (such as low u values to the outer envelope materials and high standard of air tightness), the amount of decentralised energy required to meet both The East of England Plan and Code for Sustainable Homes targets can be reduced. The applicant is also aiming to achieve the Code for Sustainable Homes Level 4 rating. This imposes minimum environmental requirements on a nine categories of the design, construction and use of the development, including a mandatory requirement equal to a 25% improvement in carbon dioxide emissions over a 2010 Building Regulations baseline for the 19 flats and 5 terraced houses.

10.71 It is considered that the proposal complies with national, regional and local plan policies in respect to sustainability and energy efficiency. It is recommended that a condition is attached to secure implementation of these measures.

8. Archaeology

10.72 The site lies partly within and adjacent to Area of Archaeological Significance No.17 and so Policy R29 applies. An archaeological desk-based assessment which has been submitted with this application notes that the potential for surviving archaeological remains in the area of the car park is medium but lower across the rest of the site. The County Archaeologist was consulted on this application and advised that the proposed development is likely to have an impact on heritage assets and a planning condition was suggested. The suggested condition is considered both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal in accordance with Planning Policy Statement 5.

9. Flood Risk and Surface Water Drainage

10.73 The NPPF, at paragraph 94, states that Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk. Due to the size and nature of the scheme a separate Flood Risk Assessment (FRA) has also been prepared and submitted in support of the application. This considers the flood risk to the proposed development and the flood risk of the proposed development to the surrounding environment. The FRA confirms that the site is within Flood Zone 1 where there is less than a 1 in 1000 annual probability of flooding from the nearest watercourse in any year. The EA have confirmed that they do not have any record of specific issues with groundwater flooding at the site. As the entire site is located in Flood Zone 1 a Sequential Test, which gives preference to locating new development in Flood Zone 1, does not need to be undertaken for the development proposals.

10.74 The proposed drainage strategy would incorporate underground attenuation to significantly reduce the potential for flooding during the 1 in 30, 100 year and 100 year plus climate change event compared to the existing situation. The

proposals 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.

10.75 It will also be necessary to implement treatment devices such as trapped gullies and catchpit manholes to prevent any contamination and silt ingress into the drainage system, accordingly, a condition is suggested.

10.76 Thames Water has been consulted and have confirmed that they do not have any objection to the development.

10.77 The Environment Agency commented that Sustainable Drainage Systems (SuDS) should be maximised throughout the development. Currently the proposal is mainly utilising tanked and piped solutions which are the least sustainable methods of providing surface water attenuation and are at the bottom of the SuDS hierarchy in your Strategic Flood Risk Assessment (SFRA). The Environment Agency suggested a number of options including green roofs, permeable paving and an attenuation pond within the Square. The applicant's agent provided a response which states that there is no scope to install green roofs in this scheme as all the proposed roofs are pitched, the buildings having a traditional design in keeping with the character of the Old Hatfield Conservation Area. Installing a pond in the new Salisbury Square would not be a good use of the public space. A pond would also not be practical due to the site topography and potential requirement for pumped drainage which we consider is unsustainable. Additionally, there could be issues of health and safety with children, in particular, at risk of falling in. A full SuDS scheme would not be practical on this site given its historic previous usage as part of a brewery and possible issues relating to ground contamination. For the same reason use of permeable paving is inadvisable in this case.

10.78 Based on the information provided within the FRA report it is concluded that the site is sustainable in terms of flood risk and compliant with the NPPF and the Council's Strategic Flood Risk Assessment.

10. Other Material Considerations

10.79 **Use of the Square:** With regard to comments on the feasibility of community events such as Farmers Markets and Christmas Fairs, it should be noted that Gascoyne Cecil Estates have significant experience in hosting outdoor events and fairs. Salisbury Square should not necessarily be considered in isolation and potential fairs might operate with a variety of stalls and attractions in Salisbury Square and in parallel with events elsewhere within the Park, for example at Stable Yard, Palace Green. As well as the new public space on the southern side of the development, space is available to lay out stalls and attractions on the upper deck of the new car park. There is significant opportunity to brand events alongside activities at Hatfield Park

10.80 One of the design concepts of the scheme and discussed in the Old Hatfield Charrette is to enable to free flow of potential visitors and tourists between the Square, Hatfield Park and the station. A shared public space offers maximum flexibility. In terms of the frequency of 'special' events within the new Salisbury Square, the applicant's envisage that at most these might be held once a month or possibly bi-monthly depending on public interest.

10.81 The new public square will be finished to a high specification and the design allows for a number of specimen trees. In respect of street furniture, the applicants are seeking to create a vibrant, high quality environment. Good quality street furniture and public art is part of the design ethos. The applicants are seeking to create an exemplar scheme that echoes the best of European café culture. The proximity of Hatfield Park, the railway station, the mix of existing employers, residents and tourist visitors means that there is potential to generate substantial public realm benefits.

10.82 **Public Toilets:** It is understand that the provision of public toilets in Salisbury Square was removed some years ago. A number of residents suggested that public toilets should be provided as part of the current proposals and the issue was raised as part of the Development Consultation Forum. However, any the benefits of public toilets would need to be balanced by management costs and measures necessary to prevent vandalism and anti-social behaviour. There are already public toilets at the Hatfield Railway Station and the Visitor area at Hatfield Park. Success in attracting a café or similar would further augment toilet provision. In the absence of policy requirements in relation to the provision of public toilets, a lack of public toilets carries only limited weight and is unlikely to be sufficient to warrant refusal of planning permission.

10.83 **Waste Management:** The buildings on the site are to be demolished as part of this development which will generate a significant quantity of waste. It would be reasonable to request that materials are recycled and re-used as appropriate. Accordingly, a condition is suggested.

10.84 A Waste Management Plan is included in the submitted Planning Design and Access Statement at Appendix 7. Where possible, construction waste will be broken down into fractions that can be recovered or recycled. One of the prime objectives of the process is to minimise the waste sent to landfill; however where materials have to be disposed of in this way, they will be sent to a local facility. On-site waste minimisation and management methods will be employed, with particular emphasis on waste minimisation, including practical measures to be implemented to ensure effective sorting, storage, re-use, recovery, recycling and the provision of facilities to enable this.

10.85 The development will make use of recycled building materials wherever possible. In addition, the generation of construction-related waste can be significantly reduced through the use of pre-fabricated elements, which can be transported to the building site.

10.86 **Refuge and Recycling Storage:** A designated refuse area for the shops is shown on the submitted drawings located within the rear car park and also within the lower level car park. A designated refuse storage area for the flats would be within the lower level car park. The proposed houses would be provided with the standard wheelie bins, for Council refuse and recycling collections. Each house will have a private rear garden area where bins can be stored. Swept path analysis has been undertaken to ensure refuse vehicles can manoeuvre the internal road layout and access within 25m of any bin storage area or collection point. The existing public recycling facility would be relocated to avoid nuisance to future occupiers of the development.

10.87 **Lighting:** Policy R20 seeks to avoid light pollution from external lighting in new development. Lighting within the proposed development would be limited to that required to make its public spaces safe and welcoming after dark, and

for domestic and retail purposes. The types of lighting would be selected with sensitivity to surrounding development, and with a view to minimising light pollution so as to accord with the criteria of Policy R20. Lighting units would be traditional in design to be in keeping with the character of the conservation area. A condition is suggested requiring lighting details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

10.88 **Lifetime Homes:** Policy H10 Accessible Housing states that in all residential developments of 5 or more dwellings, the Council will seek to secure a proportion of dwellings to be built to Lifetime Homes standards. The supporting Planning, Design and Access Statement confirms that the applicant will give consideration to this provision and that the proposed flats will have lift access. The applicant does not state what proportion of the homes will be built to Lifetime Homes standards and this information should be provided by way of an appropriately worded condition.

10.89 **Chalk Mining:** There is a history of chalk mining activity in the Borough which has left voids beneath the ground surface in some areas. The responsibility for every development rests with the developer and/or landowner, and the grant of planning permission or of building regulation approval does not warrant or indicate that the application site is safe or suitable for the development proposed. This application site is identified in the Chalk Mining Risk Assessment map produced by the Council's external Consultants as being in a low risk area. The site has also been checked against the Council's Hatfield Chalk Mining Risk Assessment Tool and is designated as being 'Low' therefore an informative and a planning condition would be reasonable for any permission granted.

10.90 **Noise Disturbance During Demolition and Construction:** To protect the residential amenity of adjoining occupiers a condition is suggested restricting the hours of demolition and construction work to except between the hours of 8am and 6pm Mondays to Fridays and between the hours of 8am to 1pm on Saturdays. 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.

10.91 **Equality and Race Relations:** The Equality Act 2010, which came into effect on 1st October, includes a new public sector Equality Duty, replacing the separate public sector equality duties relating to race, disability and sex, and also covering age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. Part 11, Section 149 provides the following 'Public sector equality duty' on authorities:

> "(1) – A public authority must, in the exercise of its functions, have due regard to the need to:
>
> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
>
> (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
>
> (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

10.92 Section 19A of the Race Relations Act 1976 (RRA 1976) prohibits racial discrimination by planning authorities in carrying out their planning functions. In addition, the majority of public authorities, including local authorities, have a general duty under the RRA 1976 as amended by the Race Relations (Amendment) Act 2000 to actively seek to eliminate unlawful discrimination and to promote equality of opportunity and good race relations in all they do. Circular 01/2006 sets out that the duty on local authorities to actively seek to eliminate unlawful discrimination, and promote good race relations does not give gypsies and travellers a right to establish sites in contravention of planning control.

10.93 Welwyn Hatfield Equalities and Diversity Policy 2009 and Welwyn Hatfield Council's Single Equality Scheme 2011-2014 require the Council to properly consider its duty in relation to this area of legislation. It is therefore necessary for the authority, in consideration of this application, as with consideration of any other application, to ensure that the above requirements have been met.

10.94 In this case, representations were received from residents who are concerned that existing businesses would suffer as the Parade would be demolished before new premises are made available. Of particular concern is the potential loss of the laundrette. The Council recognise that the loss of local convenience shopping and facilities such as a laundrette can have a disproportionate impact on the less mobile. A letter from the applicant's agent, dated 16th February 2012, asserts that the applicants are very conscious of ensuring that the community is served by an appropriate mix of shops and that comments raised in relation to the existing supermarket and the laundrette are noted. The letter suggests that the applicants are open-minded about the future tenant mix and will be happy for existing occupiers to remain. The applicants have confirmed that they will maintain dialogue with all of the existing retail occupiers prior to any future development taking place and, where appropriate, existing tenants will be offered opportunities to re-locate to neighbouring units for the duration of the building works.

10.95 By generating increased activity and demand, the proposal should improve the viability of its shops and the attractiveness of Salisbury Square as a location for new retailers and other businesses that will serve the local community. Ultimately, the development would be beneficial for local residents, including the elderly and less mobile, in terms of improving the accessibility of shops and service facilities.

10.96 **Neighbour Representations:** The majority of neighbour representations have been addressed within this report. There are still a number that have not been discussed as part of the report, these are discussed below.

10.97 The café seating area appears to be squeezed into a shady area and would be more appropriately located within the centre of the square – The proposed site plan identifies one potential location for external seating to serve a café. This does not necessarily preclude external seating in another location. Indeed, the applicants are proposing that the Square should be a true shared space with café seating and good quality street furniture. Whilst it is acknowledged that the seating area identified on the site plan would be situated in a gap between two buildings, the southern orientation of the space would be open to the Square and so would benefit from periods of direct sunlight. It is also relevant to consider the benefits of a shaded seating area and shelter from the wind that would be afforded by the buildings.

10.98 Refurbishment and extension of existing buildings would have a lower carbon footprint – whilst refurbishment of existing buildings maybe more sustainable in terms of reusing the energy embodied within the fabric of the building and the conservation of resources, this in itself isn't sufficient reason to withhold planning permission were the benefits of creating a better built environment outweighs other material planning conditions. It is also relevant that the proposed replacement buildings would be far superior in terms of energy efficiency and, because of increased density, would afford a more efficient use of land.

10.99 Parking considerations do not take account of businesses which lie just outside the site boundary – The proposal complies with the Council's Parking Standards Supplementary Planning Guidance as discussed under section 4 of this report. In addition, the recent revisions to visitor parking at Hatfield Park and the imposition of the Controlled Parking Zone in Old Hatfield have significantly improved parking provision within the vicinity of the application site when compared to the relatively recent past. Funding has recently been secured which will allow for further improved parking provision at Hatfield Station, although this area lies outside of the application site and must be considered independently of this planning application.

10.100 The road into the square will result in more pollution – The introduction of a road through the Square will inevitably lead to some additional pollution from traffic. However, the volume of traffic passing through the Square would be low in comparison the surrounding streets and the impact on pollution levels would be limited. Given the urban setting of the application site, a limited increase in pollution from traffic is not considered to have sufficient weight to justify refusal of planning permission.

10.101 Job Centre clients would circle to square and use any available parking – Visitors to the Job Centre would be interspersed with other retail customers. Given that adequate car parking exists within the scheme, it is unlikely that Job Centre visitors would circle around. Car parking spaces within the Square would be restricted to short-stay parking and are therefore unlikely to be suitable for longer visits to the Job Centre.

10.102 The Council must do something about relocating the Job Centre or making it feel more welcoming to those who need its valuable service – All existing tenants with Salisbury Square will be considered in accordance with their lease terms. As discussed earlier in this report, the aim of the proposal is to create a high quality public space which is appropriate to Old Hatfield. The existing space it is not considered to engender a feeling of safety or security, particularly during hours of darkness. The proposed redevelopment of the Square has been designed to increase natural surveillance through improved visibility, accessibility and footfall within the public space. Subject to suggested planning conditions, the proposal is considered to be in accordance with Policy D7 Safety by Design and D8 Landscaping.

10.103 Concern about the lack of landscaping and green areas in the plans and in the developments already built at Dunhams Yard - As previously discussed under section 5 of this report, further details of hard and soft landscaping; tree planting and street furniture would be required by planning condition. The quality of the detailed design and the choice of material palette may be a greater priority than a simple choice between hard or soft (green) landscaping. When considered in the context of the desire to create a flexible

public space, large areas of grass may not necessarily be appropriate. It is relevant, for example, to consider the implications of shading beneath trees, potential over-running by vehicles notwithstanding potential wear from pedestrian traffic. With reference to the first phase of Dunham's Mews, this development replaced an unattractive and unsightly garage court. Mews developments are by nature largely hard landscaped and with small gardens to the rear of each property. New tree planting (following completion of the second phase) will further soften the general appearance of the area.

10.104 **Protected Species:** The presence of protected species is a material consideration, in accordance with Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

10.105 Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

10.106 In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states:

> *"a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions."*

10.107 The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals. These comprise:

- "Deliberate capture or killing or injuring of an EPS"
- "Deliberate taking or destroying of EPS eggs"
- "Deliberate disturbance of a EPS" including in particular any disturbance which is likely –

  (a) to impair their ability –
    (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
    (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
  (b) to affect significantly the local distribution or abundance of the species to which they belong

- "Damage or destruction of a EPS breeding site or resting place" (applicable throughout the year).

  o e.g. bat maternity roost (breeding site) or hibernation or summer roost (resting place)

- o e.g. great crested newt pond (breeding site) or logpiles / piles of stones (resting place)
- o e.g. dormice nest (breeding site or resting place (where it hibernates)

10.108 In some circumstances a person is permitted to 'derogate' from this protection. The Conservation Regulations 2010 establishes a regime for dealing with such derogations via the licensing regime administered by Natural England. The approval of such a license by Natural England may only be granted if three strict "derogation" tests can be met:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

10.109 Notwithstanding the licensing regime, the Council as Local Planning Authority (LPA) has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. Therefore in deciding to grant permission for a development which could affect an EPS the LPA should:

a) Consider whether an offence to an EPS is likely to be committed by the development proposal.
b) If the answer is yes, consider whether the three "derogation" tests will be met.

10.110 A LPA failing to do so would be in breach of Regulation 9(5) of the Conservation Regulations 2010 which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

10.111 A phase 1 Bat Assessment was undertaken on the 23 November 2011 to check for bats or signs of bats. The assessment included and internal and external inspection of each of the buildings to be demolished and an inspection of the 17 trees which would be affected by the proposal. No evidence of rooting bats was found at the time of the survey. The submitted report summarises from the lack of evidence internally and externally that it is unlikely that there are bat roosts present in any of the properties included within the development proposals. The area with the greatest potential for roosting bats is under the hanging tiles at the eastern end and south-facing aspect of units 5A and 6A. All trees likely to be affected by the development were assessed as having 'low' potential to support roosting bats.

10.112 As it is rarely possible to conclude with certainty that crevice-dwelling bats are absent from a building and an area of hanging tiles has some potential to support crevice dwelling species, as a precautionary measure, it was recommended that the demolition and construction works are scheduled to avoid the bat hibernation period of mid-October to end of February inclusive. Therefore, should planning permission be granted, it would be reasonable to attach planning conditions as suggested by Hertfordshire Biological Records Centre.

10.113 **Houses in Multiple Occupation:** Since 11th January 2012, there has been an article 4 direction covering the whole of Hatfield removing permitted development rights for change of use from C3 (Dwellinghouse) to C4 (Houses

in Multiple Occupation). The rationale for the Direction is detailed within the Houses in Multiple Occupation, Supplementary Planning Document, February 2012.

10.114 As a result of the Direction, it is considered appropriate and reasonable to include on new housing developments within Hatfield details to include a condition to ensure that the development, which has been assessed and determined on the basis of being in C3 use is not first occupied within C4 use, over which the Council would have no control. It is therefore recommended that conditions are attached.

10.115 **East of England Plan 2008:** On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

- That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and
- He failed to consider the likely environmental effects of revoking Regional Strategies

10.116 However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

10.117 The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

11 Conclusion

11.1 The application site forms an appropriate site for the proposed mixed use development, would appropriately maintain the character and appearance of the surrounding area, would be of an appropriate density, layout and design. Furthermore, the proposed development would maintain the residential amenity that adjoining dwellings and properties currently enjoy and the proposed layout and existing surrounding uses would not give rise to a detrimental impact to the future occupiers of these properties. In addition the proposal would not have a detrimental impact on highway safety, landscaping, waste management, wildlife, archaeology, residential amenity or potential contaminated land to an extent that would justify the refusal of the application on these grounds.

12 Recommendation

12.1 It is recommended that planning permission be approved subject to the satisfactory completion of an appropriate legal agreement before the expiry of

6 months from the date of this resolution (16 February 2013) to secure the planning obligations set out below and in addition, the following conditions:

- Primary Education £15,213
- Childcare £954
- Youth £170
- Libraries £2,085

Conditions

1. C.2.1 – Time Limit

2. C.13.1 – 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

PRE DEVELOPMENT

3. C.12.1 – Low & Moderate Risk Sites (must be used in conjunction with C.12.2)

4. C.12.2 – Low & Moderate Risk Sites (must be used in conjunction with C.12.1)

5. C.4.1 – Scheme of Landscaping to be Submitted and Agreed (b, c, d, e, f, g, k)

6. C.5.1 – Samples of Materials to be Submitted and Agreed

7. C.7.15.1 – Decentralised Energy Supply (10%)

8. C.7.29 – Construction Method Statement

9. C.8.5 – Secure Cycle Storage

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 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

    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.

13. 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.

14. 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.

REASON: To ensure that a historical record is kept of any archaeological finds due to the implementation of the development and to comply with Planning Policy Statement 5: Planning and the Historic Environment, Policy ENV6 of the East of England Plan 2008 and Policy R29 of the Welwyn Hatfield District Plan 2005.

15. 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 14 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 and to comply with Planning Policy Statement 5: Planning and the Historic Environment and policy ENV6 of the East of England Plan 2008

16. 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 NPPF and Policies R7 and R9 of the Welwyn Hatfield District Plan 2005

17. 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.

18. 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 Policy ENV3 of the East of England Plan 2008 and Policy R11 and R16 of the Welwyn Hatfield District Plan 2005.

19. 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.

    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 Policy ENV3 of the East of England Plan 2008 and Policy R11 and R16 of the Welwyn Hatfield District Plan 2005.

20. 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 Policy ENV3 of the East of England Plan 2008 and Policy R11 and R16 of the Welwyn Hatfield District Plan 2005.

21. 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.

22. 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.

23. 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

24. C.4.2 – Implementation of Landscape Planting

25. C.6.1 – Control Over Permitted Development Rights Excluding Classes A – E

26. C.14.1 - Excluding Class I of Permitted Development
The development hereby permitted shall be used for Class C3 dwellinghouse[s] 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, 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.

27. C.8.1 – Disabled Parking Provision (six spaces)

28. C.7.7 – Hours of Construction (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)

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.

30. 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 d 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.

31. 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 specification as required by the Local Planning Authority.

32. 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 the NPPF and Policy TCR24 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:
The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 policies SS1, SS2, T3, T8, T9, T14, ENV3, ENV6, ENV7, ENG1, ENG2, WAT4, WM1, WM6 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 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).

INFORMATIVES

1. INF1 – Other Legislation
2. NF6 – Street Numbering
3. INF9 – Chalk Mining
4. INF10 – Wheel Washing
5. INF11 – Damage to Grass Verges

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.

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 or www.wrap.org.uk/construction/toolsandgudiance/sitewastemanagementplanning/i

ndex.html. For further information on this, please contact Hertfordshire County Council on 01992 556254.

Mark Peacock (Strategy and Development)
Date 25 July 2012
Background papers to be listed (if applicable)