

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No: S6/2014/0524/FP

SITE ADDRESS: University of Hertfordshire, De Havilland Campus

DESCRIPTION OF DEVELOPMENT: Erection of 2no. smoking shelters

RECOMMENDATION: Approval

1. APPLICATION DESCRIPTION:

This application seeks full planning permission for the erection of two smoking shelters within the University of Hertfordshire's De Havilland Campus.

2. SITE DESIGNATION:

The site lies within Hatfield as designated in the Welwyn Hatfield District Plan 2005.

3. RELEVANT PLANNING HISTORY:

None Relevant

4. CONSULTATIONS:

No objections have been received in principle from Welwyn Hatfield Borough's Environmental Health Team.

5. NEIGHBOUR REPRESENTATIONS:

No representations have been received from the public.

6. TOWN/PARISH COUNCIL REPRESENTATIONS

No representations have been received from the town council.

7. MAIN PLANNING ISSUES AND RELEVANT PLANNING POLICIES:

The main planning issues with this application are:

- a) Impact on character and appearance of the area (D1, D2, NPPF chapter 7)
- b) Impact on residential amenity of neighbouring properties (D1), including environmental health (noise) considerations (R19)
- c) Other material planning considerations

8. ANALYSIS:

a) Local Plan Policies D1 and D2 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. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing buildings and the area. 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.

The proposal seeks to erect two smoking shelters of the same design within the University of Hertfordshire's De Havilland Campus. The siting of the proposed smoking shelters is identified on submitted drawing No.PL_SS01(dh) as location A and on drawing No.PL_SS02(dh) as location B.

As evident on the submitted plans, the size of the smoking shelters would be clearly subordinate and in scale when viewed in the context of the surrounding buildings and the wider grounds of the De Havilland Campus. The shelters have a simple and functional design comprising a powder coated steel frame with toughened glass infill panels and roof erected on a concrete base. The proposed design and materials adequately reflect the modern appearance of the adjacent university buildings.

The proposed smoking shelters would be visible only in glimpsing views from outside of the university campus, consequently, the visual impact of the proposal on the wider character of the area would be limited. In summary, the proposal represents a design responsive of its context, which maintains the character of the area as required by policies D1, D2 and the NPPF.

b) In terms of residential amenity, the closest residential properties comprise student halls of residence situated approximately 35m north east of the proposed smoking shelter at location B. Given this degree of separation, the proposal would have no impact on neighbour amenity in terms of access to day/sun/sky light, privacy or overbearing impact in accordance with Policy D1 of the Local Plan. No representations have been received from neighbouring occupiers or Hatfield Town Council. Welwyn Hatfield Borough Council's Environmental Health Team were consulted on this application and have no objection to the proposal and did not suggest any planning conditions.

c) Smoke-free legislation in the Health Act 2006 came into force in England on 1 July 2007. The aim of the legislation is to create smoke-free places in order to protect workers and the general public from the harmful effects of passive or secondary smoking. The Act introduces a statutory smoking ban in what are defined as '**enclosed**' or '**substantially enclosed**' premises:

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

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

Whether a proposed smoking shelter complies with the relevant health legislation is not a planning judgement. This is a matter for the Council as the Environmental Health Authority, which will be responsible for enforcing the legislation.

Notwithstanding this, the applicant has been made aware of the requirements of the Health Act 2006 and confirmed in writing that each smoking shelter will be installed with four glass panels only, which will result in 50% of the total wall area being open. For clarity, an informative is suggested.

9. CONCLUSION:

The proposed development is considered acceptable in terms of its size, scale and design and would not have a detrimental impact on the amenity of neighbouring occupiers. The proposal is therefore considered to be in accordance with the National Planning Policy Framework and the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

10. CONDITIONS:

1. C.2.1 Time limit for commencement of development
2. C.13.1 Development in accordance with approved plans/details PL_SS01 (dh) & PL_SS02 (dh) & PL_SS03 (dh) & Arret Cube specification sheet received and dated 12/03/2014

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

INFORMATIVES:

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

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

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

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

A smoking shelter with a roof and walls where the permanent openings have a total area that is the same or less than the total area of walls will be classified as

'substantially enclosed' and will not fall within the provisions of the health legislation as a smoking shelter.

Signature of author..... Date.....