



TOWN AND COUNTRY PLANNING ACT 1990

PLANNING DECISION NOTICE – PERMISSION

S6/2012/0719/MA

Demolition of 17-23 Church Street and garages. Erection of 7 x two bed houses, 1 x two bed flat and 2 x one bed flat on 17-23 Church Street with associated parking and landscaping; 1 x three bed house and 1 x one bed flat on car park adjacent Georges Gate and 38 car parking spaces and associated landscaping

**at: 17-23 Church Street and car park adjacent to George's Gate entrance
HATFIELD**

Carriage Return

Agent Name And Address

Mr G Murray
Brooks Murray Architects
8-10 New North Place
LONDON
EC2A 4JA

Applicant Name And Address

Mr A Downs
Gascoyne Cecil Estates
Building and Development Department
Hatfield Park Estate
4 Carters Row, Melon Ground
HATFIELD
AL9 5NB

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 02/04/2012 and shown on the plan(s) accompanying such application, subject to the following conditions:-

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

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

2. The development/works shall not be started and completed other than in accordance with the approved plans and details: 837-030 C & 837-110 G & 837-111 G & 837-112 G & 837-113 D & 837-150 M & 837-TYPEJ rev D & 837-TYPEI rev E & 837-TYPEG rev F & 837-TYPEJ rev G & 837-TYPEH1 rev C & 837-070 H & 837-120 J & 837-121 F & 837-122 F & 837-160 H & 837-TYPEK rev F & 837-TYPEL rev A & 837-TYPEL rev B & Arboricultural Report & Implications Assessment (Pyramid Consulting), February 2012 received and dated 2 April 2012 & 837-001 E received and dated 11 June 2012 & 837-055 F received and dated 13 July 2012 unless otherwise agreed in writing by the local planning authority.

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

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PRE-DEVELOPMENT

3. No development shall take place until samples of materials to be used in the construction of the external surfaces of the building hereby permitted and the repair to 25 Church Street shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

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

4. No development shall commence until details of energy-efficient construction materials and processes, including measures for long term energy and water efficient use of the building, have been submitted to and approved in writing by the local planning authority. These measures should promote the use of renewable resources and involve sustainable drainage, heating and power systems. The building shall be constructed in accordance with the agreed materials, processes and systems, and shall thereafter be maintained in the approved form unless otherwise agreed in writing by the local planning authority

REASON: To ensure that the development contributes towards Sustainable Development and Energy efficiency in accordance with Policy SS1 of the East of England Plan 2008 and Policies SD1 and R3 of the Welwyn Hatfield District Plan 2005

5. 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:

- a) The programme and methodology of site investigation and recording;
- b) The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
- c) The programme for post investigation assessment;
- d) Provision to be made for analysis of the site investigation and recording;
- e) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- f) Provision to be made for archive deposition of the analysis and records of the site investigation; and
- g) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

REASON: To ensure qualified persons for the investigation and recording of archaeological remains is appointed and in accordance with the National Planning Policy Framework and Policy R29 of the Welwyn Hatfield District Plan 2005.

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6. Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

ground waters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

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.

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2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation

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.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, 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 (referred to in PPS23 as a validation 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.

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.

4. Reporting of Unexpected Contamination

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 in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is 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 in accordance with condition 3.

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

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without unacceptable risks to workers, neighbours and others offsite in accordance with policies R2 and R7 of the Welwyn Hatfield District Plan 2005.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

7. The development hereby permitted shall only be undertaken in accordance with the following details:

A) Demolition shall only take place during the period November-March inclusive, in the presence of a licensed bat ecologist.

B) A European Protected Species license shall be obtained before demolition starts.

C) A licensed bat ecologist shall be present when the roof tiles and covered cavity walls are removed.

D) In the event of bats being found, they shall be removed by the bat ecologist to a safe location.

E) Suitable access points and alternative roost sites shall be incorporated into the new dwellings. The type, design and location shall be determined by a bat ecologist and submitted to the local planning authority for approval in writing prior to the commencement of development. Subsequently, the approved details shall be implemented and permanently retained.

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

8. No development shall take place until full details on a suitably scaled plan of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in

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accordance with the approved details unless otherwise agreed in writing by the local planning authority. The landscaping details to be submitted shall include:-

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- a) proposed finished levels [earthworks to be carried out]
- b) means of enclosure and boundary treatments
- e) hard surfacing, other hard landscape features and materials
- f) existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), before any demolition, clearance, building or other works commence on site, details shall be submitted to and approved in writing by the local planning authority, specifying the parts of the site to be used for the stationing of site huts, storage of materials, and plant and parking of employees cars during the construction period, and any proposal for fencing of a site compound. Thereafter the compound and fencing shall be retained until building and clearance work has been completed.

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

10. Prior to the commencement of development within zone 2 as identified on drawing 837-001 rev E, a noise report shall be submitted to the local planning authority for approval in writing. The noise report shall include details of noise exposure on the site, an assessment of the internal noise levels for habitable rooms and external amenity space. Where these levels will exceed the good standard in BS8233: 1999 for internal noise levels and the WHO 33dBALeq for amenity space, a scheme for attenuation shall be submitted for approval. Where this scheme involves reliance on closed windows to achieve the required attenuation levels, details of alternative ventilation, capable of providing background and rapid ventilation levels shall also be submitted.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005

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POST-DEVELOPMENT

11. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 5.

REASON: To ensure works to any archaeological remains are undertaken in accordance with the National Planning Policy Framework and Policy R29 of the Welwyn Hatfield District Plan 2005.

12. 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 5 and the provision made for analysis and publication where appropriate.

REASON: To ensure works to any archaeological remains are undertaken in accordance with the National Planning Policy Framework and Policy R29 of the Welwyn Hatfield District Plan 2005.

13. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8.00am and 6.00pm on Mondays to Fridays, 8.00am and 1.00pm Saturdays and at no time on Sundays and Bank Holidays or any other time.

REASON: To protect the residential amenity of adjoining occupiers in accordance with Policy R19 & D1 of the Welwyn Hatfield District Plan 2005.

14. Before first occupation of the approved development, the proposed road layout for Church Street and Church Lane as shown on drawing number 837 - 055 rev F shall be completed in accordance with the approved plans and constructed to the specification of the local planning authority's satisfaction.

REASON: To ensure that the access is constructed to a satisfactory standard of development in the interests of highway safety

15. Concurrent with the construction of the access to the rear parking area, visibility splays of 2.4m x 25m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

REASON: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety.

16. Prior to first occupation of the development hereby permitted the associated car parking shown on approved plan 837 - 055 rev F shall be laid out for parking and used for no other purposes.

REASON: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use in accordance with policy M14 of the Welwyn Hatfield District Plan 2005.

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17. Concurrent with the construction of parking space 7, visibility splays of 2.4m x 25m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

REASON: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety.

18. At the commencement of development within zone 1 which includes demolition, all buildings shown to be demolished on drawing number 837-030C shall be demolished in their entirety and all materials removed from the site with the exception of any materials that are to be re-used on the site as part of the construction works.

REASON: In the interests of the character of the area in accordance with policy D2 of the Welwyn Hatfield District Plan 2005.

POST-OCCUPATION

19. 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 Classes A, C, E and G of Part 1 of Schedule 2 for those dwellinghouses within zone 1 and Classes A, B, C, D, E and G of Part 1 of Schedule 2 for those dwellinghouses within zone 2 shall take place unless permission is granted on an application made to the local planning authority

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

20. 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 rights 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.

21. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of five years from the

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completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

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All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

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

REASONS FOR APPROVAL

The proposal has been considered against the National Planning Policy Framework and National Planning Policy PPS10: Planning for Sustainable Waste Management, East of England Plan 2008 policies SS1: Achieving Sustainable Development, SS2: Overall Spatial Strategy, ENV3: Biodiversity and Earth Heritage, ENV6: The Historic Environment, ENV7: Quality in the Built Environment, ENG1: Carbon Dioxide Emissions and Energy Performance, T9: Walking, Cycling and other Non-Motorised Transport and T14: Parking and development plan policies SD1: Sustainable Development, GBSP2: Towns and Specified Settlements, R1 Maximising the Use of Previously Developed Land, R2 Contaminated Land, R3: Energy Efficiency, R5: Waste Management, R11 Biodiversity and Development, R19 Noise and Vibration Pollution, M5 Pedestrian 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, H1 New Housing Development, H2 Location of Windfall Residential Development and H6 Densities of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

INFORMATIVES:-

1. The decision notice contains conditions which require you to submit information to the local planning authority and have it approved in writing before any development relating to the approval takes place. There is a formal procedure for applying to discharge conditions and further information can be found at <http://www.welhat.gov.uk/index.aspx?articleid=834> . Failure to comply with this type of condition may result in the development being considered unlawful and enforcement action could be taken. If you require any clarification or information please contact the section on 01707 35700.
2. Hertfordshire County Council Archaeology is 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 if required. 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.
3. The Planning Authority has determined the application as very low risk, on the basis of the information available to it but this does not warrant or indicate that the application site is safe or stable or suitable for the development proposed, or that any nearby land is

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structurally stable.

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The responsibility for safe and suitable development rests upon the developer and/or land owner and they should take a watching brief during construction for any chalk mines. Should evidence be found, expert advice from properly qualified experts should be sought, to ensure that the historic chalk mining activities in the area will not adversely affect the development. Details should be submitted to the local planning authority for approval.

4. The development will involve the numbering of properties and naming new streets. The applicant MUST contact WHBC Transportation (Cathy Wilkins 01707 357558 before any name or number is proposed. This is a requirement of the Public Health Act 1875 and Public Health (Amendment) Act 1907.

5a) All efforts shall be made to reduce dust generation to a minimum

b) Stock piles of materials for use on the site, or disposal, that are likely to generate dust, shall be sited so as to minimise any nuisance to residents or neighbouring businesses. Materials for disposal shall be moved off site as quickly as possible.

c) Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.

6a) The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times

b) All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions

c) All compressors shall be sound reduced models, fitted with properly lined and sealed acoustic covers, which shall be kept closed whenever the machines are in use. All ancillary pneumatic percussive tools shall be fitted with mufflers or silencers of the type recommended by the manufactures.

d) All machines in intermittent use shall be shut down during intervening periods between work, or throttled down to a minimum. Noise emitting equipment, which is required to operate continuously, shall be housed in suitable acoustic enclosures.

e) Items of plant and equipment shall be maintained in good condition so that extraneous noise from mechanical vibration, squeaking or creaking is reduced to a minimum.

f) All pile driving shall be carried out by a recognised noise reducing system.

g) Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material

h) In general, equipment for breaking concrete and the like, shall be hydraulically actuated.

i) BS 5228 Noise Control on Construction Sites should be referred to for guidance in respect of all work carried out by the developer, their main contractor and any sub contractors.

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j) Any emergency deviation from these conditions shall be notified to the Council without delay

k) Any planned deviations from these conditions for special technical reasons, shall be negotiated with Council at least 14 days prior to the commencement of the specific work.

l) Permissible noise levels are not specified at this stage.

6. To ensure that work undertaken on the highway is constructed to the 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 - Highway Design Guide". 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.

7. Notwithstanding the consent issued under the Town and Country Planning Act, the applicant is advised that it is an offence under the provisions of The Highways Act 1980 to erect or place any structure within the public highway. The development appears to encroach into the public highway in Church Street. The applicant is advised not to commence development until the public highway rights have been stopped up either by application to the Secretary of State under the Town and Country Planning Act or by application to Magistrates Court under Highways Act procedures. Further details on the extent of public highway can be obtained from the Land Charges Section, Postal point CNH 207, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, Hertfordshire SG13 8DN.

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

Date: 31/07/2012



Tracy Harvey
Head of Planning

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