

13<sup>th</sup> May 2024

Planning Department  
Welwyn Hatfield Borough Council  
The Campus  
Welwyn Garden City  
Hertfordshire  
AL8 6AE

Dear Planning Department,

**RE: DISCHARGE OF CONDITIONS – Planning Application ref. 6/2021/3422/MAJ**  
**Development: Erection of 1 no. building containing 3 no. flats, 11 no. offices and 1 no. retail unit (Use Class E), erection of 5 no. terraced houses with parking and associated works, involving demolition of existing shopping parade with 7 no. maisonettes above, alterations to existing parking area and erection of a parking area.**

**At Location: Salisbury Square, Hatfield, AL9 5AD**  
**Decision date: 7<sup>th</sup> December 2022**

In reference to the above project, we write to submit further information regarding the pre-commencement conditions no. 3, 8, and 13.

**Condition 3 – Archaeology**

*“A) No development, other than demolition work, shall 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 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 take place / commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).*

*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.”*

A Written Scheme of Investigation was issued under condition no. 6/2023/2136/COND and the condition was partially discharged on 12<sup>th</sup> April 2024.

The Officer stated *“Having regard to the above, I can confirm that the applicant’s archaeological Written Scheme of Investigation (WSI) for archaeological trial trench evaluation meets the requirements. Sufficient information has been submitted to partially discharge this condition pursuant to the requirements of parts 1 and 7 of A) of Condition 3,*

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sufficient to allow the programme of trial trench evaluation of the site to begin. Please note that further phases of archaeological work may be required if below ground archaeological remains are revealed by the archaeological evaluation. Any such further works should be detailed in additional documentation submitted to the Planning Authority. Condition 3 (A, B and C) cannot be discharged in full until all archaeological work has been completed in accordance with the WSI(s), an appropriate report of a satisfactory standard has been submitted to the Planning Authority, and provision has been made for further analysis and publication if required.

Further to the above, please note that the development must not be carried out other than in accordance with the approved details listed above, as well as the outstanding requirements of these conditions discussed above, unless otherwise agreed in writing by the Local Planning Authority.”

Please refer to the enclosed Archaeological Evaluation Report prepared by CFA Archaeology Ltd named “SSH2\_4474\_EV\_20240418\_V1”.

Please note that our Archaeologist has already issued a copy of this report to Alison Tinniswood from Hertfordshire County Council.

#### **Condition 8 - Contamination (Affinity Water)**

“No works involving excavations shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth.
- b) A Risk Assessment identifying both the aquifer and the abstraction points as potential receptors of contamination.
- c) A Method Statement detailing the depth and type of excavations(e.g. piling) to be undertaken including mitigation measures e.g. appropriate piling design, off site monitoring boreholes etc.) to prevent and / or minimise any potential migration of pollutants to public water supply. Thereafter, the development shall not be carried out other than in accordance with the approved details.”

“Piling Works Risk Assessment and Geotechnical Site Investigation” reports were issued under condition no. 6/2024/0043/COND and the condition was partially discharged on 17<sup>th</sup> April 2024.

The Officer stated “Having regard to the above, I am pleased to confirm that the Catchment Adviser at Affinity Water deems that the submitted information is sufficient to partially discharge this condition, pursuant to the requirements of part a) of condition 8. Please see the consultation response from Affinity Water for further details with respect to the information required to fully discharge condition 8. Please note that the development must not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.”

The response from Affinity Water is stated below:

“We can recommend a partial discharge of condition 8 on the grounds that a ground investigation has been submitted.

Outstanding areas of condition 8 relate to foundations and in particular piling where we have concerns due to the potential presence of the Bromate plume. We note that final foundation designs have not been decided yet, and that if piling is confirmed, a risk assessment which will consider Bromate contamination will be carried out to ensure no exacerbation or migration between the two aquifers. For us to be able to fully discharge condition 8, we will require the final foundation methodology (including final depths) and if this is to include piling, the aforementioned risk assessment. Please note that to fully risk assess the bromate plume to our satisfaction, additional sampling for Bromate may be required.”

Please refer to the enclosed “Technical Note” prepared by Conisbee Engineers named “Salisbury Square - Technical Note - Proposed Piling Depth - Planning Condition 8”. This note should be read in conjunction with the previously issued documentation prepared by Conisbee Consulting and RSK:

- Appendix A RSK GI 1922048 R02 (02)
- Appendix B RSK PWRA 1922048 R03 (00)

**Condition 13 – Noise from nearby existing and proposed commercial operations**

*“No development above ground level shall take place until details relating to a scheme to mitigate the noise from nearby commercial activities, deliveries, plant and equipment are submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, and not occupied until the approved measures are in place.*

*Assessment for noise from commercial operations must be in accordance with BS4142: 2014+A1:2019.*

*Indoor ambient noise levels in living rooms and bedrooms from commercial noise sources must be 10dB below the standards within BS 8233:2014 (Living rooms daytime – 25dB and bedrooms at night – 20dB) and L<sub>Amax</sub> levels must not to exceed 40dB internally with windows closed. Internal noise levels with habitable windows open must also be considered. Consideration must be given to the Nation Planning Policy Framework and the agent of change.”*

A report prepared by Cass Allen was issued under condition no. 6/2024/0043/COND however *“the Environmental Health Officer deems that insufficient information has been submitted to discharge condition 13. Please see the consultation response from WHBC Public Health and Protection for further details with respect to overcoming the objection. Condition 13 can therefore not be discharged until sufficient information to satisfy this condition, prior to above ground development, is submitted.”*

Please see below the Environmental Health Officer’s comments:

*“The condition clearly states that noise from commercial operations must be assessed in accordance with BS4142: 2014+A1:2019. This means that the noise report must include a full BS4142: 2014+A1:2019 assessment, which details the rating levels of the commercial noise sources that are measured and compares them with the existing background noise levels. The specific noise sources of concern are commercial activities such as bottle emptying, deliveries, plant, and equipment.*

*A full BS4142: 2014+A1:2019 assessment has not been included in the submission. The noise report shows compliance with internal noise levels with windows closed.*

*The idea of the submission of a BS4142: 2014+A1:2019 report, is to show the rating levels at the external facades of the properties, when compared to the background noise levels. The rating levels will show the potential noise impact with windows open at the façade of the property and in gardens. The scenario of windows open is also stated as a ‘must’ within condition 13.*

*It is significant to point out that occupiers do not just open windows for cooling. They open windows to experience fresh air, connection with the outside world or just because they want to. This is considered normal use of a property, as is the use of garden areas. There is also the matter of the recent heat waves that the country has been experiencing. If the occupiers choose to open their windows for whatever reason, then the reliance of noise mitigation with glazing fails.*

*More information is required to consider discharging condition 13, this information is as follows:*

- A full BS4142: 2014+A1:2019 report, showing the rated noise levels from commercial operations, at each façade with habitable rooms – living rooms and bedrooms and garden areas.
- The rating levels from the BS4142: 2014+A1:2019 report, should then be considered in relation to the Nation Planning Policy Framework and the agent of change, which also makes up part of condition 13.”

Please refer to the enclosed revised “Noise Assessment” prepared by Cass Allen named “RP01-23396-R1 - Salisbury Square, Hatfield - Condition 12 and 13”.

It is worth noting the following comments received by the Acoustic Consultant in response to the Environmental Health Officer:

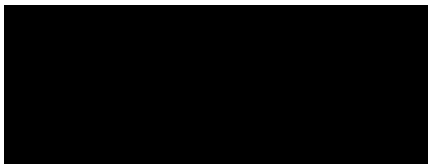
*“Please find attached the revised Condition 12 & 13 report, updated to address the EHO’s comments. There are no changes to the design proposed as a result of the updated assessment.*

*It should be noted that parts of the BS4142 commercial noise assessment indicate up to “significant adverse impact, depending on the context”. However, it remains our view that the report contains all the required information to recommend that Condition 13 is discharged, for the following reasons:*

- *It is our view that there will be no adverse noise impact from commercial noise sources.*
- *The apartments are provided with mechanical ventilation to preclude the need for residents to compromise the ‘closed window’ internal acoustic environment, which is calculated to be compliant with the criteria in Condition 13.*
- *There is no practicable mitigation in line with the consented scheme which would significantly reduce the commercial noise levels at new receptors.*
- *The wording of Condition 13 requires that a BS4142 assessment is carried out and that the ‘open window’ internal noise environment is considered. However, the only criteria imposed are related to internal noise levels with windows closed. These criteria are met, and the requested assessments have been carried out.*
- *There are no known complaints from existing nearby receptors in relation to the assessed commercial noise sources.*
- *Residents moving into the development will be aware of the surrounding uses (e.g. The Great Northern pub) and therefore are expected to be tolerant of associated noise levels.”*

We believe the above is satisfactory for the purpose of this application, but if you require further information or would like to discuss, please do not hesitate to contact us.

Yours sincerely



Sara Rietti  
Associate  
for and on behalf of Brooks Murray Architects