

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 15 JUNE 2023
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

6/2022/2533/VAR

CAMPUS WEST THE CAMPUS WELWYN AL8 6BX

VARIATION OF CONDITION 21 (APPROVED PLANS) ON PLANNING PERMISSION
6/2021/2207/MAJ FOR CHANGES TO THE LIGHTING ARRANGEMENT

APPLICANT: BOURNE GROUP

1 **Site Description**

- 1.1 The application site comprises of the Campus West Car Park, which is owned and operated by WHBC. The site is approximately 1.2 hectares in area and it is noted that there is an approximate 2 metres change in levels from the North to the South of the site. The car park contains both general use and accessible parking bays.
- 1.2 The car park serves the Campus West Leisure & Library facility and the Town Centre for shoppers and workers. The car park operates on a mixture of pay & display and Season ticket tariffs. To the east side of the car park is the Campus West Council owned Cinema, Roller Skating and Library complex and to the west lies a local care home (Woodside House). The Ayot Greenway runs along the northern boundary and Bridge Road runs along the southern boundary. The site is predominantly bounded by mature trees, with the main access point to the south-eastern corner. A secondary access point is to the north-eastern corner of the site.
- 1.3 Planning permission (6/2021/2207/MAJ) was approved in 2021 for an expansion to the car park which includes an upper storey resulting in an increase of 156 car parking spaces (490 in total). Vehicular access to the car park is from The Campus at a left in/left out priority junction. There would be three pedestrian accesses via the proposed staircases to the upper deck.

2 **The Proposal**

- 2.1 Planning permission is sought for a variation of condition 21 (approved plans) on planning permission 6/2021/2207/MAJ for changes to the lighting arrangement.
- 2.2 It is noted that amended elevation and floor plans were received during the course of the application to reflect the lighting units that had already been installed at the application site.
- 2.3 The proposed lighting alterations include:

- 2 x additional structure mounted lights added to the cladding at 3 metres from ground level to provide lighting to the new ground floor pay meters at Stairs 1 and 2.
- Repositioned structure mounted light on east facing elevation serving disabled parking area approximately 1.5m towards the south.
- 2 x additional 3m tall column mounted lights for the new pay machines at the northern and southern boundaries of the site.
- 3 x additional column fixed lights to the first floor at a height of 3 metres from the first-floor level (1 metre lower than the main top deck lighting) to provide lighting to the new first floor pay meters at Stairs 1, 2 and 3.
- Replacement of 7 single head lighting columns with twin heads units at the centre of the first floor deck (set at the same height from the first floor deck as the approved scheme).

3 Reason for Committee Consideration

3.1 This application is presented to the Development Management Committee because the application is a variation to a Major application and Welwyn Hatfield Borough Council is the applicant. The application was also called-in by Cllr Frank Marsh in December 2022 for the following reasons:

- There is going to be a removal of 4 lights and replacement with 12, 3 of which will shine into homes in Scholars Mews and Density Close.

4 Relevant Planning History

- 4.1 Application Number: E/1970/0520/
Decision: Granted
Decision Date: 26 June 1970
Proposal: Erection of social and amenity centre divisional library, three staff houses, car parking, museum and underpass.
- 4.2 Application Number: C6/1988/1211/FP
Decision: Granted
Decision Date: 03 February 1989
Proposal: Provision of additional parking spaces to public car park
- 4.3 Application Number: 6/2021/2207/MAJ
Decision: Granted
Decision Date: 17 December 2021
Proposal: Expansion and adaptation of existing car park, including construction of new single suspended level parking deck, reorganisation of road and pavement arrangement, introduction of additional cycle parking, junction improvements and associated landscaping improvements
- 4.4 Application Number: 6/2022/0374/COND
Decision: Granted
Decision Date: 30 May 2022 Proposal: Submission of details pursuant to condition 1 (Construction Traffic Management Plan), 2 (full site survey), 3 (detailed surface water drainage scheme), 4 (landscape and biodiversity plan),

5 (arboricultural method statement), 6 (updated remediation scheme), 7 (noisy works and ancillary operations) on planning application 6/2021/2207/MAJ

4.5 Application Number: 6/2022/1084/COND
Decision: Granted
Decision Date: 17 August 2022 Proposal: Submission of details pursuant to condition 9 (sustainable energy), 10 (car charging points), 11 (CCTV), 12 (privacy screens), 13 (landscaping) and 14 (materials) on planning permission 6/2021/2207/MAJ.

4.6 Application Number: 6/2022/2117/COND
Decision: Granted
Decision Date: 25 November 2022
Proposal: Submission of details pursuant of condition 8 (off-site highway improvement works) on planning permission 6/2021/2207/MAJ

4.7 Application Number: 6/2023/0502/COND
Decision: Granted
Decision Date: 05 April 2023
Proposal: Submission of details pursuant to the discharge of condition 16 (anti social behaviour) and 17 (car parking) on planning permission 6/2021/2207/MAJ

4.8 Application Number: 6/2023/0233/COND
Decision: Granted
Decision Date: 12 April 2023
Proposal: Submission of details pursuant to condition number 15 (Remediation Verification Report), on planning permission 6/2021/2207/MAJ

5 Relevant Planning Policy

5.1 National Planning Policy Framework (NPPF)

5.2 Welwyn Hatfield District Plan 2005 (District Plan)

5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan)

5.4 Supplementary Design Guidance 2005 (SDG)

5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)

5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

6 Site Designation

6.1 The site lies within the settlement boundary of Welwyn Garden City as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

7.1 The application was advertised by means of neighbour notification letters and a site notice. 2 representations have been received which object to the

development. All representations received are published in full on the Council's website and are summarised below:

- Protected oak trees would be harmed/removed.
- The glare from the additional lighting will be greater.
- Three new lights on the northern elevation will shine directly into a nearby house.
- A 6m high lamppost to light up a 1.25m high pay station is unnecessary.
- If the scheme is approved it should have a condition to turn off between 11pm - 6am.
- Back shields should be appropriately positioned on the perimeter lights and the lights on the top deck.

8 Consultations Received

8.1 The following consultees have responded advising that they have no objections to the proposal;

- The Gardens Trust
- Hertfordshire County Council - Transport Programmes and Strategy
- WHBC Public Health and Protection
- WHBC Landscapes Department

Concerns were raised by:

- Historic England
- Conservation Officer
- Cllr Marsh

8.2 No responses have been received from the County Historic Environment team and Hertfordshire Ecology and consultation ended on 22 April 2023.

9 Analysis

9.1 The main planning issues to be considered in the determination of this application are:

- 1. Principle of development**
- 2. Quality of design and impact upon Heritage Assets**
- 3. Residential amenity**
- 4. Ecology**
- 5. Landscaping**
- 6. Re-imposition of conditions**

1. Principle of the development

9.2 It is a material consideration that the application site benefits from planning permission granted under application 6/2021/2207/MAJ. The principle of development has already been found to be acceptable, and should not be reassessed since that is not a consideration in relation to the variation of the conditions.

2. Quality of design and impact upon Heritage Assets

- 9.3 District 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 own 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 building and area and also with the Digswell Character Appraisal. These objectives are broadly consistent with the Council's Emerging Local Plan and the aims of the NPPF which considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 9.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Consideration should also be given to paragraph 199 which affords great weight to the conservation of heritage assets and paragraph 200 which requires clear and convincing justification for any harm to heritage assets.
- 9.5 Policy SP15 (The Historic Environment of Welwyn Garden City) of the Emerging Local Plan identifies the need for the historical significance and unique heritage as a garden city to be protected. The Policy requires that all development proposals demonstrate how consideration of the historic character and significance of the town has been taken into account at an early stage in the design process. It is important that any supporting design documentation should demonstrate that the historic environment of Welwyn Garden City is properly understood and considered.
- 9.6 It is proposed to vary condition 21 of application 6/2021/2207/MAJ to allow for the approved scheme to be altered in regard to the lighting arrangement.
- 9.7 It is noted that in this case concerns have been raised by Historic England. It was stated that external and internal lighting should be kept to the absolute minimum to avoid the prominence of the structure within the Conservation Area and it was considered that justification should be provided for the additional illumination being proposed.
- 9.8 It is considered that the design and appearance of the additional lighting units themselves within the car park setting are modest and will have no significant impact on the character and context of the site and its surroundings.
- 9.9 The proposed lighting has been designed to prevent or limit the spill of light. The submitted information indicates that whilst additional lighting units are being proposed on the car park structure itself and at the northern and southern boundaries serving pay machines, it is proposed to decrease the lighting intensity of all the lighting elements within the car park to offset the impact of the additional lighting positions. This is demonstrated in the submitted lighting assessment. Therefore, although there would be a greater number of individual lights in total, the current proposal will result in less light spillage when compared to the approved scheme by virtue of the reduced illumination levels.
- 9.10 The Conservation Officer was consulted on the proposed lighting alterations and considers that there remains a low level of 'less than substantial' harm to the

significance of the Conservation Area. As per paragraph 202 of the NPPF, this harm would need to be weighed against the public benefits of the scheme. However, it is considered that, due to the proposed changes resulting in a reduction in overall light spillage when compared to the previously approved scheme, there will not be an increase in the prominence of the structure within the Conservation Area. Consequently, the limited harm caused to the heritage assets would be offset by the public benefits provided by the modern and safe car park facility and as such it would not warrant a refusal of planning permission in this instance.

- 9.11 Overall, the changes proposed to the lighting arrangement are considered to be acceptable, and would not compromise the overall quality of the development or harm the character of the area. As such, the variation from the approved permission proposed by this application would not be contrary to local or national design policies.

3. Residential amenity

- 9.12 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.13 Policies D1 and R19 of the District Plan seek good design and to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses from noise and vibration pollution. Policy SADM11 of the Emerging Local Plan is similar in these aims.
- 9.14 With regards to light impact, a resident at Densley Close has raised concerns of the additional light pollution being created by the additional lighting units.
- 9.15 It is important to note that there is an extant planning permission for lighting on the first floor of the car park and around the perimeter of the site, Therefore, an appropriate level of lighting would not be unacceptable so long as it does not result in material harm to the amenity of the adjoining residential properties.
- 9.16 The Council does not have its own guidance on light pollution. However, in this instance, guidance from the ILP (Institution of Lighting Professionals) on the Reduction of Obtrusive Light GN01:2011 has been used by the applicant and the Council's Environmental Health Officer does not dispute the findings of the lighting assessment.
- 9.17 No changes are proposed to the operational hours of the lights but the applicant continues to propose the dimming of all column mounted lights on the building to half the brightness between the hours of 11pm and 7am.
- 9.18 The location of the additional lighting units would be situated over 40 metres to the boundaries of the closest neighbouring dwellings to the north of the site (Scholars Mew and Densley Close). The heights of all the additional lights would not exceed the existing or approved units and the applicant continues to propose the installation of 'back shields' to the lighting columns around the perimeter of the site to reduce light spill to the neighbouring properties. Whilst there will also be additional lighting units on the first floor of the car park structure these would be no taller in height than the approved units and the application detail demonstrates that the overall light emissions would be reduced when compared

of the approved scheme. The predicted light spill would on average measure under 3 lux at the northern boundary and this falls to below 1 lux when measured at Scholars Mews and Densley Close. Whilst concerns have been raised to the positioning of the back shields, the Environmental Health Officer raises no concerns in this regard due to the results of the light assessment and their effectiveness at reducing light spill. However, given that there will be a net increase in the amount of lighting units being proposed at the site, it is considered reasonable and appropriate in this instance to impose a condition ensuring that the back shields are in place on the perimeter lighting prior to the use of the upper deck of the car park to address the neighbour concerns.

- 9.19 With regards to the neighbouring properties to the west (Woodside House), the proposed perimeter lighting at the common boundary will be unchanged from the approved scheme. The submitted information suggests that the predicted light spill from the additional units would, on average, measure under 2 lux at the western boundary, which is reduced from the approved scheme. The proposed reduction in lighting emissions of all the units will therefore result in less overall light pollution for these residents. Furthermore, there will be screening from the mature vegetation at the common boundary which will help to further reduce light spill to these properties. The development would therefore not result in material harm through light pollution over and above the approved scheme.
- 9.20 Moreover, it was stated in the previously approved Energy Statement that the internal lighting of the car park will be controlled via a combination of presence sensors and photocell therefore the lighting within the building will only illuminate when the car park is in use and when the ambient light levels is low enough to require them to be on. The external lighting will be controlled via a combination of time switch (dimmed between 2300hrs and 0700hrs) and photocell which will only switch on the lighting units when it becomes dark. These measures will further reduce the impact upon the adjacent neighbours.
- 9.21 The Environmental Health Officer has assessed the information submitted in relation to the revised lighting scheme and has not raised any concerns. The lighting levels on all the neighbouring boundaries of the site are demonstrated to still fall below the E3 environmental zone lux levels (10 lux - Pre Curfew and 2 Lux - Post Curfew) and are therefore considered to be acceptable.
- 9.22 Overall, whilst the number of lighting columns will increase at the site, it is considered that the reduction in the level of illumination across all of the units and the use of shielding and lowered output during evening hours would avoid any unacceptable impact caused by light spillage to the neighbouring properties. Subject to condition requiring the installation of back shields to the perimeter lighting prior to the use of the upper deck, the proposal would therefore maintain the amenity of occupiers of neighbouring dwellings consistent with District Plan policies including Policies D1 and R19 of the Local Plan.

4. Ecology

- 9.23 District Plan Policy R11 seeks to conserve the biodiversity of the borough and seek opportunities for enhancement to ensure no net loss of biodiversity.
- 9.24 Policy R16 refers to Protection of Species and outlines that planning permission will not be granted for any development or use of land which would have an adverse impact on badgers or species protected by schedules 1, 5 or 8 of the 1981 Wildlife and Countryside Act, as amended.

- 9.25 In terms of the impact to local wildlife, the proposed lighting should avoid illuminating the neighbouring Local Wildlife Site and boundary vegetation to prevent it affecting the natural behaviour of nocturnal animals such as bats.
- 9.26 Hertfordshire Ecology was consulted on this variation application but did not comment in this instance. However, no objections were previously raised to the application on the grounds of the impact upon wildlife from the proposed lighting scheme. Given that the current scheme would see a net reduction in light spillage to the northern boundary when compared to the approved scheme (3.80 lux vs. 2.80 lux - Pre Curfew and 1.90 Lux vs. 1.40 lux - Post Curfew), there is not considered to be any material harm to wildlife in the surrounding area and therefore the scheme would not conflict with the NPPF and Policies R11 and R16 of the District Plan.

5. Landscaping

- 9.27 District Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high-quality design required by Policy D1 would again be relevant. Landscaping is important in order to protect and enhance the existing character of the area and to reduce the visual and environmental impacts of the development.
- 9.28 The Council's Landscapes Department have assessed the scheme and it is stated that the proposed 3m columns serving the new pay machines and the lights mounted on the carpark will not impact any trees or vegetation. Whilst a neighbour comment raised concerns of the impact on a protected tree located at the north-eastern boundary of the site, the 6m tall light column in question was approved under the previous application and is not subject to the current variation scheme. No objection was therefore raised on landscape grounds and the development will accord to local and national policies.

6. Re-imposition of conditions

- 9.29 As a Section 73 (variation) application effectively creates a new permission which can be implemented on its own it is important that an assessment is made to any material changes that the proposed development would have when compared to the application that it seeks to vary.
- 9.30 In relation to conditions, case law outlines that when issuing a permission after a condition had been removed or amended, that permission should refer to all the terms of the original permission to avoid the possibility of the permission being interpreted as having no conditions or only those that were amended. It is considered that the variation from the approved permission proposed by this application would not materially change the considerations that were set out within the decision from 6/2021/2207/MAJ.
- 9.31 Application reference 6/2021/2207/MAJ was granted planning permission subject to 21 planning conditions which must be re-imposed where they remain in accordance with the tests set out in the NPPF.
- 9.32 In addition to the above, since the granting of the extant permission of 6/2021/2207/MAJ, several conditions have been discharged. The relevant

conditions will therefore be updated to reflect the information approved under the following discharge of condition applications:

- 9.33 Condition 1 (construction management plan) has been discharged under application 6/2022/0374/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.34 Condition 2 (Site survey) has been discharged under application 6/2022/0374/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.35 Condition 3 (Surface water drainage) has been discharged under application 6/2022/0374/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.36 Condition 4 (Landscape and biodiversity plan) has been discharged under application 6/2022/0374/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.37 Condition 5 (Arboricultural Method Statement) has been discharged under application 6/2022/0374/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.38 Condition 6 (Remediation scheme) has been discharged under application 6/2022/0374/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.39 Condition 8 (Scheme for the off-site highway improvement works) has been discharged under application 6/2022/2117/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.40 Condition 9 (Energy Statement) has been discharged under application 6/2022/1084/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.41 Condition 10 (EV charging points) has been discharged under application 6/2022/1084/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.42 Condition 11 (CCTV camera details) has been discharged under application 6/2022/1084/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.

- 9.43 Condition 12 (Privacy screens) has been discharged under application 6/2022/1084/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.44 Condition 13 (Landscape plan) has been discharged under application 6/2022/1084/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.45 Condition 14 (Material samples) has been discharged under application 6/2022/1084/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.46 Condition 15 (Verification report) has been discharged under application 6/2023/0233/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.
- 9.47 Condition 16 (Anti-social management plan) has been discharged under application 6/2023/0502/COND. An amended planning condition can ensure that the development will not be carried out other than in accordance with the approved details.

10 Conclusion

- 10.1 To conclude, the proposed lighting revisions are limited in scope and will have no significant impact on the appearance of the approved development or upon the amenities of the surrounding properties.
- 10.2 The amendments are considered to be acceptable, however as a new grant of permission, a number of conditions from the previous planning permission will need to be re-imposed.
- 10.3 Subject to conditions, the proposal would have no significant adverse impact upon the character and appearance of the area, neighbour amenity, nature conservation interests or highway safety. Accordingly and for the reasons given, the proposal is recommended for approval.

11 Recommendation

- 11.1 It is recommended that PLANNING PERMISSION BE GRANTED subject to the following conditions:
1. The development shall not be carried out except in the accordance with the Transport Method Statement by (revision 6, dated 24 May 2022) approved by Welwyn Hatfield Council on 30 May 2022 under application 6/2022/0374/COND. Subsequently, the approved Construction Management Plan shall not be changed.

REASON: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy SADM2 of the Emerging Welwyn Hatfield Local Plan 2016 and the NPPF.

2. The development shall not be carried out except in accordance with the site levels drawings ref: TS20-460-1-B, TS20-460-2-B, 6409-BPL-004-GRD and 6409-BPL-005-LVL1 approved by Welwyn Hatfield Council on 30 May 2022 under application 6/2022/0374/COND. Subsequently, the approved details shall not be changed.

REASON: To ensure that the development is completed at suitable levels with regard to the surrounding properties in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005.

3. The development shall not be carried out except in accordance with the surface water drainage plans ref: BGW-AKSW-XX-XX-DR-C-9100-C01 (dated 14.02.22), BGW-AKSW-XX-XX-DR-C-9101-C01 (dated 14.02.22), BGW-AKSW-XX-XX-DR-C-9500-C01 (dated 14.02.22), BWG-AKSW-XX-XX-DR-C-9501-C01 (dated 14.02.22) and Drainage Inspection Report by Draincare Environmental Services Ltd (dated 21/06/2019) approved by Welwyn Hatfield Council on 30 May 2022 under application 6/2022/0374/COND. Subsequently, the approved details shall not be changed.

REASON: To prevent the increased risk of flooding, both on and off site in accordance with Policies R7 and R8 of the Welwyn Hatfield District Plan 2005.

4. The development shall not be carried out except in accordance with the drawings ref: 2166-TFC-00-00-DR-L-1001 09 and 2166_TFC_00_00-DL-L-1002 02 and an Ecological Enhancement Strategy by Tim Moya Associates approved by Welwyn Hatfield Council on 30 May 2022 under application 6/2022/0374/COND. Subsequently, the approved details shall not be changed.

REASON: To ensure that the development achieves a net gain for biodiversity on the site in accordance with the Policy R11 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. The development shall not be carried out except in accordance with the Arboricultural Method Statement by Tim Moya Associates (dated February 2022) approved by Welwyn Hatfield Council on 30 May 2022 under application 6/2022/0374/COND.

REASON: To ensure the satisfactory protection of retained trees, shrubs and hedgerows during the construction period in the interest of visual amenity in accordance with Policy R17, D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. The development shall not be carried out except in accordance with the Remediation Strategy by Tetra Tech Ltd (dated January 2022) approved by Welwyn Hatfield Council on 30 May 2022 under application 6/2022/0374/COND.

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. A revised remediation scheme including the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- A. A preliminary risk assessment which has identified;

- i. all previous uses;
- ii. remediation objectives and criteria including all works to be undertaken,
- iii. potential contaminants associated with those uses,
- iv. a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from the contamination at the site.
- v. Timetables of works and site management procedures

B. A site investigation scheme based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should include an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, pests, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.

C. The results of the site investigation and the detail risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved

Where remediation is necessary a remediation scheme must be prepared in accordance with the above requirements, 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.

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. All noisy 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. If noisy works must be carried out beyond these times, then an application must be made for consideration by environmental health under the Control of Pollution Act 1974 (Section 61 application).

REASON: To protect residents from noise from construction works beyond reasonable times in line with Policy R19 and D1 of the District Plan 2005, Supplementary Design Guidance 2005 and the National Planning Policy Framework.

8. The development shall not be carried out except in accordance with the off-site highway improvement drawings ref: WHBCCAMPUS.2/01 P5, BCCAMPUS.2/10 P5, WHBCCAMPUS.2/30 P5 and WHBCCAMPUS.2/40 P5 approved by Welwyn Hatfield Council on 25 November 2022 under application 6/2022/2117/COND. Subsequently, the approved details shall not be changed.

REASON: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy SADM2 of the Emerging Welwyn Hatfield Local Plan 2016.

9. The development shall be constructed in accordance with the principles set out in the submitted Energy Statement by Brinson Staniland Partnership dated May 2020 and shall thereafter be maintained in that form.

REASON: To ensure that the development contributes towards Sustainable Development and Energy efficiency in accordance with Policy R3 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

10. The development shall not be carried out except in accordance with the EV Charging Points Plan ref: 6409-BPL-004-GRD-P06 (dated February 2022) approved by Welwyn Hatfield Council on 17 August 2022 under application 6/2022/1084/COND. The electric car charging points shall thereafter be installed as approved prior to first occupation, subject to availability of local grid capacity. Subsequently, the approved details shall not be changed.

REASON: In the interest of sustainable transport methods. In accordance with NPPF, and Policies M2, M3, M5, M6, M8, M14, and D1 of the District Plan 2005 and SADM3 of the Emerging Local Plan.

11. The development shall not be carried out except in accordance with the CCTV layout drawings ref: PB 13307 14 B and PB 13307 15 B (dated April 2022) approved by Welwyn Hatfield Council on 17 August 2022 under application 6/2022/1084/COND. Subsequently, the approved details shall not be changed.

REASON: In the interests of public safety and amenity in accordance with Policies D1 and R20 of the Welwyn Hatfield District Plan 2005.

12. The development shall not be carried out except in accordance with the privacy screens drawings ref: 6409 BPL 008 Sec P02 and 6409-BPL-022-ELE-P01 (dated April 2022 and July 2022) approved by Welwyn Hatfield Council on 17 August 2022 under application 6/2022/1084/COND. Subsequently, the development shall be implemented in accordance with the approved plans prior to first use and the approved details shall not be changed.

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

13. The development shall not be carried out except in accordance with the Landscape plans ref: 2166-TFC-00-00-DR-L-1002, 2166-TFC-00-00-DR-L-1001 and 6409-BPL-004-GRD P06 (dated February 2022 and April 2022) approved by Welwyn Hatfield Council on 17 August 2022 under application 6/2022/1084/COND. Subsequently, the approved details shall not be changed.

REASON: In order to ensure the delivery of an acceptable scheme of landscaping and to protect the amenity of the adjoining occupiers in accordance with Policies D1 and D8 of the Welwyn Hatfield District Plan 2005.

14. The development shall not be carried out except in accordance with the approved materials as specified in application reference 6/2022/1084/COND. Subsequently, the approved materials shall not be changed.

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

15. The development shall not be carried out except in accordance with the Remediation Verification reports (Airbourne Fibre Sampling & Analysis Certificate, Bulk Sampling Report, Soil Report Sheet and Asbestos Verification Report) approved by Welwyn Hatfield Council on 12 April 2023 under application 6/2023/0233/COND. Subsequently, the approved details shall not be changed.

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.

16. The development shall not be carried out except in accordance with the Anti Social Behaviour (ASB) Report and associated addendum approved by Welwyn Hatfield Council on 5 April 2023 under application 6/2023/0502/COND. Subsequently, the approved details shall not be changed

REASON: In the interests of security and to protect the amenities of neighbouring residential properties in accordance with Policy D1 of the Welwyn Hatfield District Plan, 2005.

17. Prior to the first occupation of the development hereby permitted, the proposed car parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter and made available for that specific use.

REASON: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policy M14 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

18. Prior to the first use of the upper deck of the car park, back shields as detailed in the approved lighting report by Lighting Design Studio (dated November 2021) shall be installed on the lighting columns around the perimeter of the site and retained thereafter.

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

19. Any vegetation clearance on site shall be undertaken outside the nesting bird season (March to end of July inclusive) to protect breeding birds, their nests,

eggs and young. If this is not practicable, a search of the area shall be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works must stop until the birds have left the nest.

REASON: To ensure protected species are not harmed by the development in accordance with European and National legislation.

20. All agreed landscaping comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the 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. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies D1, D2 and D8 of the Welwyn Hatfield District Plan 2005.

21. DRAWING NUMBERS

The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
P001		Location Plan	21/07/21
P005	B	Proposed Block Plan	21/07/21
P006	B	Proposed Overall Site Plan	21/07/21
P007	B	Proposed Ground Floor Plan	21/07/21
P010		Proposed Section A & B	21/07/21
P011		Proposed Section CC	21/07/21
2		Under Deck Lighting Plan	16/11/21
2166-TFC-00-00-DR-L-1001		Proposed Landscape Plan	21/07/21
P025	A	Proposed Ground Floor Tracking	21/07/21
P026		Proposed First Floor Tracking	21/07/21
BPL-6425-ELEV-045	C01	Elevation Plans	12/04/23
BPL-6425-GRD-004	C10	Grade Level Plan	12/04/23

6409-BPL-005-LVL 1	C02	Level 1 Plan	06/02/23
Under Deck Lighting Calculations			16/11/21
Campus West Car Park Lighting Report			16/11/21
Vertical Spill Lighting Report			04/11/22

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan.

INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.
2. 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 357000.
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roadsand-pavements/highways-roads-and-pavements.aspx>
4. Parking and Storage of materials: The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority

before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-developmentmanagement.aspx> or by telephoning 0300 1234047.

5. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
7. The purpose of the CTMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
8. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturers' instructions.
9. 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.

10. 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.
11. 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.
12. Any pile driving shall be carried out by a recognised noise reducing system.
13. Where practical, rotary drills and bursters, actuated by hydraulic or electric power shall be used for excavating hard material.
14. In general, equipment for breaking concrete and the like, shall be hydraulically actuated.
15. '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.
16. Any emergency deviation from these conditions shall be notified to the Council without delay.
17. All efforts shall be made to reduce dust generation to a minimum.
18. 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.
19. Water sprays shall be used, as and when necessary, to reduce dust from particularly "dusty" activities or stock piles.
20. Bats and their roosts are protected at all times under domestic and European law. Works should proceed with caution, and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

Raymond Lee (Development Management)

Date: 9 May 2023



 WELWYN HATFIELD Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE	Campus West The Campus Welwyn Garden City AL8 6BX		Scale: DNS
	Development Management Committee		Date: 25-05-2023
6/2022/2533/VAR		I Azunma	
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