

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01237/FP	Change of use to a mixed-use car sales premises (Sui Generis) with open air storage for the display of vehicles for sale, erection of ancillary office/workshop building.	Site Of Former N And P Windows Bury Mead Road Hitchin Hertfordshire

Submitted Plan Nos

OAKPL-97A Site Plans OAKPL-97

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
ETC1	Appropriate uses in Employment Areas

NE11	Contaminated land
NE2	Landscape
NE4	Biodiversity and geological sites
SECN12	Achieving well-designed places
SECN15	Conserve + enhance natural environment
SECN6	Building strong, competitive economy
SECN9	Promoting sustainable transport
SP12	Green infrastructure, landscape and biod
SP3	Employment
SP6	Sustainable transport
SP9	Design and Sustainability
T2	Parking

2.0 **Relevant site history**

- 2.1 20/02481/FP - Erection of industrial unit (Use Class B2/B8) including associated parking and yard storage (as amended by site plan 1847-JSA-SK-A-8001-P3 received 22.02.2021) – Approved 24/02/21.
- 2.2 12/01278/1 - Erection of two storey industrial building (Use Class B1) with ancillary offices and facilities (as amended by revised Design and Access statement and drawing nos. P01A, P02A & P03A received 10/9/12) – Approved 25/10/12.
- 2.3 04/01093/1 - Single storey detached building for recycling waste generated during manufacture of windows and doors (as amended by plan no. NPM.01A received 20.08.04) – Approved 24/08/04.

3.0 **Representations**

3.1 **Neighbours** – The following objections and comments were received:

- ☐ Have some reservations, although it's preferable to have a business use on the vacant site.
- ☐ The site backs onto residential properties.
- ☐ The new use would be commercial, seven days a week.
- ☐ Impacts on saleability of homes.
- ☐ The proposed hedging should be maintained and kept tidy.
- ☐ Health implications from idling engines.
- ☐ Would like to understand where overflow parking would be.
- ☐ Waste disposal area has not been designated.
- ☐ Could the working hours match the longer hours at the applicant's present site?
- ☐ Could appointments at other times on request happen.
- ☐ If floodlights are used in winter, I'd hope they be turned off overnight.
- ☐ If permission is granted, hope the owners can work with existing neighbours.

3.2 **Ecologist** - I would have no ecological objection to the proposal.

The application is claiming a de-minimis exemption from mandatory BNG but the North Herts Local Plan also advises development should deliver biodiversity benefits. It is noted from streetview that some buddleia is present which would provide invertebrate interest. The new proposal includes the addition of a laurel hedge to the south. This provides little ecological benefit and the applicant is asked to consider an alternative species. Ideally a native hedgerow such as hawthorn or if an evergreen species is required privet is an option.

3.3 **Highways Officer** – Does not wish to restrict the grant of permission.

3.4 **Environmental Health** – I have no objections to the application subject to a condition restricting the hours of use as set out in the DAS along with the following condition.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a relatively large open site of concrete hardstanding with fencing and vegetation on its boundaries. It's entrance is off a driveway accessed from Bury Mead Road. It was previously used for storage and distribution (Use Class B8), although the site is now vacant. Prior to this the site was used for Class E/B2/B8 in connection with a window manufacturing business.
- 4.1.2 The site is in a commercial and industrial area, where nearby uses are mainly light industrial, offices, storage, and some other non-industrial uses such as a children's nursery and a gym. Residential dwellings adjoin much of the rear boundary of the site. The site is within an allocated Employment Area.

4.2 **Proposal**

- 4.2.1 The change of use of the site to a car sales premises (Use Class *sui generis*), with cars for sale to be displayed outside externally. The existing hardstanding is to remain, and made good where required. A single storey building with a pitched roof is proposed in the front area of the site, to be used as a workshop, reception, office, and staff facilities.
- 4.2.2 Opening hours are proposed to be 09:30 to 18:30 Monday to Friday, 09:30 to 18:00 Saturdays, and 10:00 to 16:00 Sundays/Bank Holidays. The business would have 6 full-time employees. Access would be via the existing.

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on residential amenity, parking and highways, and ecology.

Principle

- 4.3.2 The site is in an allocated Employment Area in the Local Plan. LP Policy ETC1 sets out what uses are appropriate in Employment Areas, with the Policy stating:

Within the safeguarded Employment Areas, and the Employment Allocations (BA10 and RY9), as shown on the Policies Map, planning permission will be granted for office, research and development, industrial processes, industrial and storage and distribution uses provided:

- a) For allocated sites any relevant site-specific criteria are met; and*
- b) Any Use Class B8 development is easily accessible from the primary road network.*

Planning permission for other uses will be granted as an exception to the above criteria provided they are:

- i. Ancillary to the above uses;*
- ii. Essential to the continued operation of an established premises;*
- iii. Would bring comparable benefits to office, research and development, industrial processes, industrial and storage and distribution uses in the same location; or*

iv. Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.

Conditions and legal agreements will be used to limit uses to ensure that development meets, and will continue to meet, identified employment needs.

- 4.3.3 The proposed use as car sales would not fall within the first part of ETC1. Under the remaining part of ETC1, the car sales business would employ 6 employees and would make use of a vacant site comprising hardstanding with no buildings, therefore it's considered that iii and iv would be complied with.
- 4.3.4 The car sales use would also have elements of Class B8 as cars would be 'stored' within the site while awaiting sale, and the proposed new workshop and staff building would be a Class E use, both of which would normally be acceptable in the Employment Area. The principle of the change of use is acceptable. The proposal complies with Local Plan Policies SP3 and ETC1; and Section 6 of the NPPF.

Character and appearance

- 4.3.5 The proposal would bring a presently vacant site back into use that is in a relatively poor condition. The proposal to 'make good' the hardstanding is anticipated would improve the appearance of the site by removing weeds and repairing areas of hardstanding in a poor condition. The proposed new hedge along the rear boundary would also improve the appearance of the site.
- 4.3.6 There are no objections to the proposed new hedge along the rear boundary, as it would not be overly high, would improve the site, and would strengthen existing vegetation near that boundary.
- 4.3.7 The proposed new building would be small in comparison to the site as a whole. The new building would appear commercial/light industrial in character and appearance, and is considered of a size and siting in keeping with the wider Employment Area which has a mix of buildings including those like the proposed. The siting of the building and its distance from the front of the site is similar to nearby buildings and is acceptable.
- 4.3.8 The size and scale of the car sales use would be large compared to most nearby businesses in this part of the Employment Area. This is however due to the size of the site, and is not objectionable given the site has previously been used by other single businesses. The design is acceptable. The proposal complies with Policy D1 of the Local Plan, and Section 12 of the NPPF.

Neighbour amenity

- 4.3.9 The proposed new building at the front of the site would not be near any residential properties, and would not appear overbearing or cause loss of light. Workshop activities that would take place within the building would be considered to be equivalent to Class E/B2 uses and of a small scale, which are generally considered appropriate in an Employment Area. Due to the distance of the building from the closest residential properties, and as the hours of use can be controlled by condition, it's not considered that impacts from this building will be harmful.

- 4.3.10 The rear boundary of the site is comprised of a 2m high fence and higher vegetation in most places, with some gardens of the adjoining dwellings including taller trees. All of this vegetation would be considered to adequately screen the proposed use from the rear gardens and ground floor elevations of the adjoining dwelling curtilages. The proposed use is not considered visually detrimental to the amenities of nearby dwellings.
- 4.3.11 On the basis of the lack of objections from the Environmental Health Officer, the proposal is not considered harmful to amenity in terms of generation of noise, fumes or other means of disturbance. Noise etc. from the business, e.g. from starting cars, would be expected to be heard by nearby residents in some cases, however this would be spread around the site, and would be limited by the proposed opening hours of the use. It's considered that the installation of new lighting should be restricted by condition, as such lighting could affect neighbour amenity.
- 4.3.12 It's considered that the use should be required to be in accordance with the details of the Design, Access and Planning Statement for the avoidance of doubt and to ensure that any changes to the use that could affect neighbour amenity can be controlled. Regarding the objections received, some of these have been addressed elsewhere in this report. Impacts on property sales are not material planning considerations. The hedging can be required to be maintained by condition. Overflow parking is anticipated to be areas of the site outside of the bays marked on the proposed plans. The waste disposal area hasn't been shown, however this is anticipated to be near the proposed building and main entrance. A working hours condition would not permit appointments in general outside of the permitted hours. Impacts on amenity are considered acceptable, and complies with Policy D3 of the Local Plan.

Parking and highways

- 4.3.13 Parking standards are set out in the Council's 2011 SPD. There are no categories for outside car sales in the standards, and no direct equivalents. Parking provision is however considered acceptable as six staff parking spaces would be provided, which would be one space per employee. Five marked visitor spaces are shown, with additional space elsewhere in the site that visitors could park in, therefore parking provision is considered acceptable.
- 4.3.14 The site does not include any designated cycle parking. The 2011 SPD for all Motor Trade uses states 1 long-term space should be provided per 10 staff. The proposed business would have under 10 staff, and it could be argued that no cycle provision is required. It is however considered that the proposed new building could accommodate at least one cycle in its staff/storage area.
- 4.3.15 The spacing of the parking areas are considered sufficient for manoeuvring of vehicles within the site. The highways officer has not objected, therefore it's not considered that the proposal will be detrimental to the safe operations of the public highway. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

Ecology

- 4.3.16 The proposal will not affect protected species or their habitats. The proposal is not considered to require a mandatory 10% Biodiversity Net Gain due to the development being *de minimis*. The new hedge would provide some additional biodiversity. While

this would be limited, it's considered that this would nevertheless provide more biodiversity. The proposal is acceptable with regard to ecology. The proposal complies with Policy NE4 of the Local Plan, and Section 15 of the NPPF.

4.4 **Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The approved development shall be completed and operated in accordance with the submitted 'Design, Access and Planning Statement'.

Reason: In the interests of amenity. To comply with Policy D3 of the Local Plan.

4. The operating hours of the approved use shall be limited to: 09:30 to 18:30 Monday to Friday, 09:30 to 18:00 Saturdays, and 10:00 to 16:00 Sundays/Bank Holidays.

Reason: In the interests of amenity. To comply with Policy D3 of the Local Plan.

5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or 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 during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990. To comply with Policy NE11 of the Local Plan.

7. Notwithstanding the approved plans, no external lighting shall be erected without obtaining permission from the LPA.

Reason: In the interests of neighbour amenity. To comply with Policy D3 of the Local Plan.

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 17 July 2025	