

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00279/FP	Erection of commercial buildings (flexible B2 and B8) including access, parking, landscaping and associated works	Land At Corner Of Protea Way And Pixmore Avenue Letchworth Garden City Hertfordshire

Submitted Plan Nos

271 - 001 P12 271 - 002 P02 271 - 003 P02 271 - 004 P02 271 - 010 P01 271 - 014 P7 271 - 015 P5
271 - 016 P3 271 - 017 P1 271 - OS Mapp01 114828-CAL-XX-XX-DR-D-0500 P2 271-018-P1

1.0 Policies

ETC1	Appropriate uses in Employment Areas
SP2	Settlement Hierarchy and Spatial Distrib
D1	Sustainable design

D2 House exts, replcmnt dwellings outbuild

D3 Protecting living conditions

T1 Assessment of transport matters

T2 Parking

SECN12 Achieving well-designed places

SECN14 Meeting climate change,coastal,flooding

2.0 **Site History**

2.1 20/01886/FP - Erection of homeless shelter to provide 40 bedspaces including creation of vehicular access off Pixmore Avenue, parking, landscaping and associated works (as amended by plans received 12th January 2021). – Conditional Permission

2.2 06/01562/1 - Erection of two storey (B1) office building, associated car parking and ancillary works.(as amended by plans received 11th October 2006). – Conditional Permission

2.3 02/01715/1 - Erection of replacement building for Class B8 purposes (1,370 square metres) with ancillary Class B2 floorspace (190 square metres), 19 car spaces, lorry turning facility and new crossover following demolition of existing building. – Conditional Permission

3.0 **Representations**

3.1 **Neighbour Consultation** – None received.

3.2 **Heritage Foundation** – Recommends grant of permission subject to conditions.

3.3 **Archaeology** – No Comment.

3.4 **Environmental Health** –

Contamination:

- Requests updated details from applicant.

Noise:

- Satisfied with submitted noise assessment.
- Asks if noise levels can be mitigated during night time hours.
- Seeks condition to ensure CEMP is complied with.
- Requests sight of the dust management plan and a debris management plan. – Following receipt of document, provides conditions.

Lighting:

- Requests condition of lighting assessment.

3.5 **Highways -**

March 2025 – Recommends refusal. Requests Stage 1 Road Safety Audit, and for details of vehicle and pedestrian visibility splays, together with a plan for vehicle tracking for commercial vehicles.

June 2025 – Following receipt of RSA, withdraws objection and recommends conditions.

3.6 **Ecology** – No Objection, but recommends inclusion of standard BNG condition.

3.7 **Anglian Water** – Recommends condition.

3.8 **Waste** – Provides guidance for bin collection requirements.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site comprises a vacant plot off Pixmore Avenue, and at the corner with Protea Way, Letchworth. The site is surrounded by other industrial uses, and is designated as being an Employment Area within the local Plan 2011-2031.

4.2 **Proposal**

4.2.1 Planning Permission is sought for the erection of commercial buildings (flexible B2 and B8) including access, parking, landscaping and associated works.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.

- The impact that the proposed development would have on car parking provision in the area and the safe operation of the highway in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

- 4.3.2 The site is within Letchworth Garden City, wherein Policy SP2 of the Local Plan applies. Given that the proposal comprises general development, the erection of structures on this site are considered to be acceptable in principle. The site is designated as an employment area, as per the Local Plan 2011-2031 maps. Therefore, Policy ETC1 of the Local Plan 2011-2031 is triggered, and its wording is set out below:

“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”

The proposed use of the site and buildings, for B2 and B8 uses is considered to comprise an industrial use. The proposal is in close proximity to the primary road network along Pixmore Avenue and is therefore considered to meet all requirements for development under ETC1. Therefore, the principle of development is considered to be supported.

Design and Appearance:

- 4.3.3 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site’s local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.

- 4.3.4 The proposal seeks to erect 2 No. industrial buildings, one to the eastern end of the site, and the other to the south-western side of the site. Access would be proposed off Pixmore Avenue, and the site would generally be paved with block paving, with some green landscaping to the front and side boundaries. Paladin fencing is proposed to the boundary, dark green in colour. The buildings would be approximately 2-3 storeys in height, and would broadly reflect the existing building heights to the local area. Cladding is proposed together with bricked and glazed corners for the office spaces. Large doors are proposed to the principal elevation of each building, with lettering to indicate each unit. I consider that the proposed materiality and general appearance would be acceptable. Given the prevailing character of this side of Pixmore Avenue, and along Protea Way to comprise industrial units, I consider that the proposal would suitably sit in the local vernacular and street scene. For this reason, I also consider that the proposed fencing, whilst utilitarian in appearance, would not appear out of place in the local area. The layout of the site is considered to be acceptable, particularly given that most buildings are situated almost immediately along Protea Way, and therefore the layout of buildings within the site would not run contrary to the existing grain of development to this part of Letchworth. The proposed block paving would differ from predominantly tarmacked rounds in this area, however, I do not consider that the dark grey colour would appear out of place or be harmful to the local character.
- 4.3.5 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.6 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.
- 4.3.7 The application site is neighboured to all boundaries by existing, and longstanding industrial sites. The nearest residential dwellings are situated Ridge Road, to the south west, and to Ascot Drive. These are situated at least 45-60m from the application site respectively. I consider that the proposed use would not be harmful to neighbouring amenity when in operation, and furthermore, Environmental Health have advised of conditions seeking to mitigate noise for deliveries by restricting these hours. I consider that this is acceptable. The built form of the structures would not detract from the residential dwellings nearby by reason of their distance mitigating visual impacts and losses of light. Some impacts would arise for neighbouring industrial units, and this is acknowledged, however, given the utilitarian nature of the area, I do not consider that the addition of these units would provide harm for the amenity of occupants within these neighbouring businesses.
- 4.3.8 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

- 4.3.9 Hertfordshire Highways have made representation, and do not object to the proposal following the receipt of the submitted Road Safety Audit by the applicant. They have recommended the inclusion of conditions to mitigate prospective highways harm, and subject to their implementation, I consider that the proposal is not considered to cause harm to the operation of the highway. Turning to parking levels, the Vehicle Parking at New Developments SPD sets out the requirements for parking, with the site comprising ~1000 sqm of floor area. The proposal would deliver 24 spaces in marked bays, of which, 4 would be designated disabled bays. For 1000 sqm of floor area, this would require at least 25 spaces (1 space per 40 sqm), and would be under by one space. Given the sustainable location of the site, in proximity to other amenities, and the presence of on-street parking nearby, I consider that the proposal would not harm the parking levels near to the site. With regards disabled parking provision, the standards require individual bays for each disabled employee, plus 2 bays, or 5% of the total capacity, whichever is greater. It is unclear how many disabled employees there would be, however, over 5% of the bays would be disabled bays, and therefore, I consider that this requirement would be met. The requirements for B2/B8 uses to deliver cycle storage would be 1 space per 500 sqm of floor area. The site plan indicates secure cycle storage for at least 6 bikes, and therefore, this requirement would be exceeded. Policies T1 and T2 of the Local Plan 2011-2031 would be complied with for the above reasons.

Environmental Implications:

- 4.3.10 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

Other Matters:

- 4.3.11 Waste have made representation, advising that provision for at least three streams of waste should be available. Large bin collection areas are provided across the site, and I consider that this would meet the requirements set by the waste department should a council collection be required.

4.4 Conclusion

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable.

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. Prior to the first commencement of the development hereby permitted a plan of cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and Drawing No 271 - 004 P02 and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

4. Prior to the first occupation of the development hereby permitted the proposed access arrangements and servicing areas shall be implemented in accordance with the approved drawing number Ref (271 - 001 P12) insert and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Prior to the first occupation hereby permitted the vehicular access improvements, as indicated on drawing numbers Ref (271 - 001 P12) and (114828-CAL-XX-XX-DR-D-0500 P2) shall be completed and thereafter retained in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway, and such splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.
The Construction Management Plan of:
 - a. Construction vehicle numbers, type, routing; (see comments below in main body of response)
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan

8. No development approved by this permission shall take place until a remediation strategy to deal with the risks associated with contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

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

9. Prior to the development hereby approved being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.
Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

10. Notwithstanding the details included in the submitted Construction Environmental Plan (CEMP), during construction, no noise generating operations shall take place outside of 0800 to 1800 Monday to Friday, and 0800 to 1300 on Saturdays, and no works on Sundays or Public Holidays.

Reason: In the interest of neighbour amenity, to comply with Policy D3 of the Local Plan.

11. Any lighting scheme implemented shall be constructed in accordance with the details within the Thorlux Lighting assessment, received January 2025, and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve neighbour amenity, to comply with Policy D3 of the Local Plan 2011-2031.

12. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the commencement of construction works above slab level and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

13. Prior to commencement of construction above slab level, landscaping details shall be submitted to the LPA for approval and shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

14. No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Reason: To ensure a suitable strategy for surface water management is implemented on site, to comply with Policy NE8 of the Local Plan 2011-2031.

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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.

Informative/s:

1. AN1) Storage of materials: The applicant is advised that the storage 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: 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 County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): 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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 18 July 2025	