

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00966/FP	Installation of air conditioning system including external condenser units, enclosure to rear of building and bollards. Installation of ATM machine, single sliding doorset (as amended by plans and supporting documents received 20th June 2025 and 30th June 2025).	25 Leys Avenue Letchworth Garden City Hertfordshire SG6 3EP

Submitted Plan Nos

EX.00.01(A) EX.01.E1(A) PR.01.E1(A) PR.01.E2(A) Location Plan PR.00.01(B) PR.01.E3(B) PR.00.02(C)

1.0 Policies

ETC3	New retail, leisure, other main TC devel
D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets
SECN12	Achieving well-designed places
SECN16	Conserve + enhance historic environment

2.0 **Site History**

2.1 Extensive site history. Relevant applications are as follows:

2.2 **14/01080/1** - Change of use, conversion and extension of Commerce House including addition of third floor to provide 21 x 2 bed apartments and 5 x 1-bedroom apartments at upper levels, following partial demolition of existing building. Demolition of 23/25 Leys Avenue and erection of three storey building comprising 275 sq m flexible Class A1-A4 floorspace at ground floor and 10 x 2-bedroom apartments and 2 x 1-bedroom apartments at upper levels. Demolition of existing outbuilding on land adjacent to 21 Leys Avenue and erection of a three-storey building with accommodation in roof space comprising 224 sq m flexible Class A1-A4 floorspace at ground floor and 5 x 2 bed apartments and 4 x 1 bed apartments at upper levels. Demolition of covered entrance to Garden Square Shopping Centre, associated car parking spaces and ancillary works.

Conditional Permission

2.3 **09/00625/1** - Erection of 3 storey building with accommodation in roof space, comprising 2 ground floor retail units (use Class A1 and A3) and 4 x 1 bedroom flats and 4 x 2 bedroom flats on 1st, 2nd and 3rd floors, integral bin store, 7 car parking spaces in rear service yard, glass roof covered walkway on south elevation and ancillary works following demolition of existing single storey outbuilding.

Conditional Permission

- 2.4 Six non-material amendment applications followed the latter 2014 consent between 2015 and 2020.

3.0 **Representations**

- 3.1 **Letchworth Heritage Foundation** – None received.

- 3.2 **Site Notice and Neighbour Consultation** – None received.

- 3.3 **Environmental Health** - No objection subject to conditions regarding the AC units.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises the ground floor commercial unit of 25 Leys Avenue, Letchworth Garden City, located to the north of Garden Square Shopping Centre. The sites primary access is from Leys Avenue, with secondary access to the rear that connects to a service road. The site is a Class E unit situated within the Primary Shopping Frontage, the Town Centre Area, and the Conservation Area, as designated within the Local Plan. The site is also within an Article 4 area which restricts the conversion of Class E units to residential under the GPDO 2015.

4.2 **Proposal**

- 4.2.1 The application seeks planning permission for the installation of air conditioning system including external condenser units, enclosure to rear of building and bollards. Installation of ATM machine, single sliding door set. The proposed changes are to facilitate the occupation of this unit by Nationwide Bank.

4.3 **Key Issues**

Principle

- 4.3.1 The site is within a Town Centre Area and is a Primary Shopping Frontage. Therefore, development necessary to facilitate the occupation of this unit for a Town Centre purpose, such as a Bank which is under Class E, is acceptable in principle. This application is not seeking a change of use of the unit, only the associated operational development required to enable its occupation for the Class E use that it already has given its location and parent permission.

- 4.3.2 This is in accordance with Policy ETC3

Design

- 4.3.3 Policy D1 (Sustainable Design) of the local plan states that:

“Planning permission will be granted provided that development proposals respond positively to the sites local context, as well as taking all opportunities to enhance items such as the public realm, accessibility and legibility”.

- 4.3.4 The proposal is split into two elements, the works to the front of the commercial unit, and the installation of two AC units to the rear of the commercial unit. The works to the front of the unit include the installation of an ATM machine and a single sliding door set. Given the nature of this unit in the Town Centre, the proposed works to the front of the unit are acceptable.
- 4.3.5 The works to the rear of the unit seek to install two AC units, one measuring approx. 1.0m x 0.78m and 1.93m in height, and one measuring approx. 0.31m x 0.85m and 0.65m in height. Both AC units would be housed in an acoustic plant enclosure, measuring 2.0m x 1.65m and 3.15m in height, and the other measuring approx. 0.93m x 1.6m and 0.87m in height. The enclosures would be finished in dark grey. The area where the units is to be located is to the rear of the commercial unit, located in the corner of the building, which is in a service yard, and will be protected by 5NO bollards. Whilst the AC units within their acoustic enclosures would not necessarily be aesthetically pleasing given their utilitarian external appearance, given that the area where they are to be sited is within a service yard and there is no prevailing architectural merit, and these units will be set away in a corner of this service yard where views to them will be relatively obscured, this element of the proposal is considered acceptable in this instance.
- 4.3.6 This is in accordance with Policy D1 of the Local Plan.

Impact on Neighbours

- 4.3.7 Policy D3 (Protecting living conditions) of the Local Plan states that:

“Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions”.

- 4.3.8 The proposed works to the front of the commercial unit will not have any impact on neighbour amenity, given their nature and scale.
- 4.3.9 The proposed works to the rear of the commercial unit, namely the two AC units, have the potential to have an impact on neighbouring properties, particularly the flatted units above and behind the commercial unit. There are windows serving these flats directly above the area where the units are proposed to be located. The Councils Environmental Health Officer has been consulted on this application and has requested that a noise Assessment is completed for these units, which was received by the Council on the 20th June 2025. Subject to further back and forth with the agent, amended plans were received on the 30th June 2025 setting out the final proposal for the AC units and their acoustic enclosures, which according to the EHO aligns with the details set out in the submitted Noise Assessment. The EHO concluded that should the units be installed as planned and the noise levels as set out in the noise report are achieved, then no objections are raised to the proposals, subject to a condition requiring the installation to be in accordance with the submitted plans and detail. A condition that looks to secure the AC units as approved and the respective suitable noise levels will be enforced on the decision notice. This will read as follows:

The external plant, machinery and equipment, including noise mitigation measures, shall be installed in accordance with the submitted Noise Solutions Ltd report dated 19th June 2025 (Ref: 93375) and associated plan reference PR.00.02 and shall be retained and maintained thereafter

Reason: to protect the amenity of nearby residents in line with Policy D3 of the Local Plan.

Based on the above, it is considered that the AC units should not result in adverse harm to the reasonable living conditions and well-being of neighbours, with respect to noise.

4.3.10 This is in accordance with Policy D3 of the Local Plan.

Heritage

4.3.11 The site is within the Letchworth Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

4.3.12 Policy HE1 (Designated heritage assets) of the Local Plan states that:

“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they (as applicable):

- a) Enable the heritage asset to be used in a manner that secures its conservation and preserves its significance;*
- b) Incorporate a palette of materials that make a positive contribution to local character or distinctiveness, where it is appropriate and justified; and*
- c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use”.*

4.3.13 The proposed works to the front of the commercial unit, namely the installation of the ATM and sliding door set, are unlikely to result in any harm to the character and appearance of the Conservation Area, given that they are working within the frame of the existing building and are necessary for the occupier. The proposed installation of two AC units to the rear of the commercial unit, in the service yard, is not considered harmful given the existing negative contribution that this space has to the Conservation Area, such that these additional utilitarian elements will align with the existing negative contribution. Whilst the existing and proposed contribution to the character of the Conservation Area is negative, this is not considered sufficient to sustain a heritage based objection given that this is a service yard located to the rear of the commercial units on Leys Avenue, where development such as this is expected.

4.3.14 This is in accordance with Policy HE1 of the Local Plan and Section 16 of the NPPF.

Biodiversity

4.3.15 This proposal is exempt from the mandatory 10% BNG given its nature.

4.4 **Conclusion**

- 4.4.1 Overall, it is considered that the proposed development is acceptable in planning terms when assessed against the Local Plan and the Framework.

4.5 **Alternative Options**

- 4.5.1 N/A.

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A.

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 external plant, machinery and equipment, including noise mitigation measures, shall be installed in accordance with the submitted Noise Solutions Ltd report dated 19th June 2025 (Ref: 93375) and associated plan reference AMENDED PR.00.02(C)PROPOSED PLANT AREA received 30th June 2025 and shall be retained and maintained thereafter

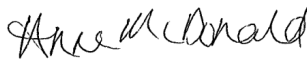
Reason: to protect the amenity of nearby residents in line with Policy D3 of the Local Plan.

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. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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 Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 7 July 2025	