DELEGATED FILE NOTE

CASE OFFICER: ...Heather Lai.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01134/FP	Erection of four light industrial units including parking and access.	North End Industrial Estate Bury Mead Road Hitchin Hertfordshire SG5 1RT

Submitted Plan Nos

IHL17122/01 IHL17122/02 IHL17122/03 IHL17122/04

1.0 Policies

1.1 **North Hertfordshire District Council Local Plan No. 2 with alterations**
Policy 8: Development in Towns
Policy 37: Business Uses (B1 Use Class)

1.2 **National Planning Policy Framework (amended July 2018)**
Section 6: Building a strong, competitive economy
Section 9: Promoting Sustainable Transport

1.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017)**
Policy SP1: Sustainable development in North Hertfordshire
Policy SP3: Employment
Policy SP6: Sustainable Transport
Policy SP9: Design and sustainability
Policy SP11: Natural resources and sustainability
Policy ETC1: Appropriate uses in employment areas
Policy T2: Parking
Policy D1: Sustainable design
Policy D3: Protected living conditions
Policy D4: Air quality

1.4 **Supplementary Planning Documents**
Vehicle Parking at New Development September 2011
Local Transport Plan (LTP3) 2011-2031-Hertfordshire County Council

2 Site History

03/00689/1CM: Outside storage of baled materials awaiting collection for recycling at Hitchin vehicle depot. Approved 06.08.2003

3 Representations

Local residents:
One neighbour contacted the case officer asking further details about the application, including noise impacts on the adjacent residential units on Shepherds Mead, but no formal objection was made.

Environmental Health (contaminated land):
No objection to the proposal in terms of land contamination or local air quality subject to certain conditions (3-8).

Environmental Health (noise issues):
No response to date.

4 Planning Considerations

4.1 **Site and Surroundings**
The application site is an area within the North End Industrial Estate, within the industrial area of Hitchin. Access is provided to the site from Bury Mead Road, however there is limited visibility to the site of the proposed units from public areas, or indeed from the adjacent dwellings on The Mead and Shepherds Mead.

4.2 **Proposal**

The application seeks permission for the erection of four light industrial units, including parking and access within the Industrial Estate. These would be Class B1(c) units, which must be for uses appropriate in a residential area.

4.3 **Key Issues**

Land use:

The proposal seeks to erect a solid brick and metal unit which would be subdivided into four separate units to be used as Class B1(c) light industrial units. These would be erected in the middle of the existing North End Industrial Estate in an area where there are no existing structures.

Given the proposed use is to be light industrial and that it is within an existing industrial area it is considered there are no land use issues associated with the proposal.

Design:

The proposed building is to be formed of brick and metal, with fenestration to the front and rear (east and west elevations). There are also to be four single opening doors to enter the units, and four roller shutter doors for vehicles to access each unit. The four units will be formed externally of one building, which is to be functional and appropriate to its use as light industrial. Given the context of the site and the application, no design concerns are raised.

Amenity of adjacent occupiers:

The closest residential properties are located on Shepherds Mead to the west, at a distance of approximately 10m. There is significant vegetation to the boundary of the Shepherds Mead development and a 1.8m high metal fence to the boundary of the industrial site, and therefore views to the residential units are already obscured. The proposal includes four doors to the rear of the site which appear to be glazed, although these will be partially obscured by timber balustrades. While there are doors and balconies proposed to the rear of the units, this is likely a building control requirement and it is considered there will not be a material loss of privacy to the properties on Shepherds Mead.

Given the distance, and that the proposed units are to be located to the east of the nearest residential units, and will be 6m high at their highest point, it is considered the proposal will not result in a material loss of light, or an increased sense of enclosure to the properties on Shepherds Mead.

Noise:

No response has been received from the Council's Noise Officer, however as stated above given the location within the existing industrial estate, it is considered the use of the four units for storage/light industrial should not cause an adverse amenity impact as Class B1(c) must be for uses appropriate in a residential area. If the units were to be used as anything which had a materially adverse noise impact on the adjacent residential units, this would likely be Class B2 and therefore would likely be a change of use requiring planning permission (given the size of the units).

Land Contamination:

According to the Council's Environmental Protection and Housing Team records the application site has been associated with land uses including a sewage farm and subsequently industrial/commercial activities of an unspecified nature. It is noted that the proposed land use will not result in the introduction of a receptor that is more vulnerable to presence of any ground contamination than the current land use. However, the redevelopment of the site provides the opportunity to assess and if necessary remediate any ground contamination that may present a risk to the proposed development, or the surrounding environment including controlled waters. Therefore, a land contamination planning condition has been recommended.

Local Air Quality:

An approach to considering the impact of a development on air pollution and the potential mitigation of such is now in place in the form of the air quality planning guidance that can be found at http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning

Application of the guidance to a development of this scale and location defines the site as being a minor scale development. Therefore, only the minimum local air pollution mitigation would be recommended.

To address this, the Council's Air Quality Officer has recommended a condition requiring the installation of one EV recharging point. This has been agreed and recommended by the case officer as it is considered to accord with Section 9 of the NPPF (promoting sustainable transport), and in particular paragraph 105 which promotes adequate provision of spaces and recharging points for EV and low emissions vehicles. This condition also accords with Hertfordshire County Council Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience', and with Policies SP6, T2 and D4 of NHDC's 2011-2031 Local Plan and the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the Local Plan in support of Policy D4.

4.4 **Conclusion**
There are no material planning reasons for refusing the application therefore I recommend it is approved.

5 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. No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

4. If the Local Planning Authority is of the opinion that the report which discharges condition (3) above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
(ii) The results from the application of an appropriate risk assessment methodology.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

5. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (4) above; has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

6. This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (5) above have been fully completed & if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

7. Any contamination, other than that reported by virtue of condition (3) and (4), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

8. Prior to occupation, the development shall include a minimum of one Electric Vehicle (EV) Recharging Point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1) Guidance and Standards relating to the installation of Electric Vehicle Recharging Points

Various documents are available that provide guidance and that reference the appropriate standards for such installations. These include, but are not limited to:
a. BEAMA - A Guide to Electric Vehicle Infrastructure 2015 (www.beama.org.uk)
b. Transport for London Electric Vehicle Charge Point Guidance - April 2010 (www.tfl.gov.uk)

2) The above condition is considered relevant and reasonable for the following reasons:

o Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.
o The aim of Section 9 'Achieving sustainable transport' of the NPPF, which includes in paragraph 110 (e) 'developments should be designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles'.
o HCC Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience'.
o It is consistent with Policies SP6, T2 and D4 of NHDC's 2011-2031 Local Plan and the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the Local Plan in support of Policy D4.

Signed T. Allington Tom Allington Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF

Date: 3 August 2018	