

<u>Location:</u>	Starwood House Avenue One Letchworth Garden City Hertfordshire SG6 2HB
<u>Applicant:</u>	Letchworth Investment LLP
<u>Proposal:</u>	Erection of two buildings including three units for Flexible Use Classes including E.g. (ii) (iii), B2, B8, including servicing, parking, access, landscaping .
<u>Ref. No:</u>	25/01196/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 1st August 2025

Extension of statutory period: 30th September

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: This application has to be determined at Planning Control Committee as per the constitution given that it is:

(b) any development with greater than 500sq. metres floorspace on a site of more than 1 hectare or other operational development with a site area of 1 hectare or greater;

1.0 **Site History**

1.1 Extensive planning history relating to the previous occupier of the site dating from 1997 to 2017, not relevant to this proposal.

1.2 **25/00943/DD** - Demolition of existing building. **Prior Approval Given**

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

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 T1: Assessment of Transport Matters
 Policy T2: Parking
 Policy D1: Sustainable Design
 Policy D4: Air quality
 Policy NE2: Landscape
 Policy NE4: Biodiversity and geological sites
 Policy NE7: Reducing flood risk

Policy NE8: Sustainable drainage systems
Policy NE11: Contaminated land
Policy HE1: Designated Heritage Assets

2.2 **National Planning Policy Framework (NPPF) (December 2024)**

Section 2: Achieving sustainable development
Section 6: Building a strong, competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 16: Conserving and enhancing the historic environment

2.3 **Vehicle Parking at New Development SPD Developer Contributions SPD**

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – One response received from 63 Highfield, Letchworth, raising the following matters (summary):

- ☐ The proposal looks positive in terms of sustainability and zero carbon features.
- ☐ Concerns with street parking on Avenue One and the need for this proposal to provide adequate parking to alleviate this existing issue.
- ☐ Concerns whether there is enough mains power to provide 20 EV charging points.

3.2 **Hertfordshire Highways** – Provided a holding response on 23rd June 2025, raising matters relating to the adopted LCWIP (Local Cycling and Walking Infrastructure Plan, September 2023), alterations to the junction on Avenue One to make pedestrian crossings more regular, amendments to the internal spine road, requirements for a Travel Plan, and requests for Strand 1 and 2 financial contributions.

Following a meeting with the Highway Authority, further comments were received stating that the proposed alterations to the junction must take place to accommodate the LCWIP, as well as a number of other conditions. The access junction as required by the Highway Authority would require a Traffic Regulation Order (TRO) on the highway on the opposite side of the junction to allow HGVs to enter/exit the site, and Officers have considered that this can form part of the relevant legal agreement (further details on this set out in the report).

3.3 **Hertfordshire Growth and Infrastructure** – Provided formal comments on the 12th June 2025, seeking financial contributions for the Fire and Rescue Service.

Following further correspondence with the Growth and Infrastructure Team, further comments were received with robust justification for the requested contributions. As a result, the requested contributions sought were reduced to account for the existing buildings on the site.

3.4 **Hertfordshire Local Lead Flood Authority** – Objects to the scheme on a number of technical matters.

- 3.5 **Hertfordshire Water Officer** – Further to initial comments received on the 23rd June 2025 and the submission of further information in response, no objections are raised.
- 3.6 **Hertfordshire Archaeology** – Provided an initial response on the 9th June 2025, setting out requested conditions for further archaeological work. Following the submission of further information and correspondence, further comments were received stating amended wording to the standard Archaeological condition to allow a watching brief in place of a full evaluation.
- 3.7 **Environment Agency** – Provided an initial response on the 4th June 2025, setting out requested conditions for ground based assessments and construction details. Following the submission of further data/information, subsequent comments were received on
- 3.8 **Heritage Foundation** – None received.
- 3.9 **North Herts Environmental Health (Air Quality, Land Contamination, Noise)** – No objections subject to conditions covering further Contaminated Land assessments and compliance with proposed measures to improve air quality during construction.
- 3.10 **North Herts Waste and Recycling** – No comments.
- 3.11 **North Hertfordshire Ecology** – No objection to the proposal on ecological matters subject to conditions covering a Construction Environment Management Plan, Ecological Enhancements, and the statutory BNG condition.
- 3.12 **North Herts Planning Policy** – None received.
- 3.13 **North Herts Sustainability** – Provided comments on 11th June 2025 and 13th June 2025, largely supportive of the proposal.
- 3.14 **North Herts Urban Design** – None received.
- 3.15 **UK Power Network** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is Starwood House, which comprises two adjoining industrial units of 1-2 storeys in height and ancillary office space on the western side and a large area of hardstanding/car parking on the east of the site. The site is served via an existing vehicular and pedestrian access onto Avenue One in the north-western corner and is bounded by mature trees on all sides. The site is an employment use and much of the surrounding context is also under employment uses. The Site is bordered by Avenue One to the west, Second Avenue to the south and Third Avenue is located to the east of the Site with a Sainsburys store located beyond. The Site benefits from good road connectivity, being located north of the B656, which links to the A1(M) and A505. Additionally, the site benefits from good rail connectivity, with Letchworth Garden City Rail Station approximately 1.6 km to the west, offering regular services to London. Buses also run frequently from Third, Fourth, and Sixth Avenues surrounding the Site.
- 4.1.2 The existing buildings on site were previously used by Tesco as a Data Centre and R&D facility and were built bespoke to that use in the late 1980's.

- 4.1.3 The site is within the Letchworth Employment Area. The site also falls within Flood Zone 1, with some areas of the site being susceptible to low and medium risk surface water flooding. The site is not within a Conservation Area, nor are there any listed buildings within close proximity.

4.2 **Proposal**

- 4.2.1 Full planning permission is sought for the erection of two buildings including three units for Flexible Use Classes including E g(ii) (Research and development of products or processes)/(iii) (Industrial processes), B2 (General industrial), B8 (Storage or distribution), including servicing, parking, access, landscaping. The use of the site is proposed to be 24 hours a day/7 days a week.

- 4.2.2 The scheme would comprise two buildings, with building one located along the western boundary of the site adjacent to Avenue One. It is proposed to provide two commercial units, unit one and unit two, in a terrace form running north to south with car and HGV parking and servicing located to the east in the centre of the site. These two units would appear as one building and would measure approx. 104.85m long and 54.0m wide, with a curved roof measuring approx. 13.5m to eaves and 16.0m to ridge. Building two contains unit three, the larger of the industrial units located to the northeast of the site with car parking located to the north and south and HGV parking and servicing located to the south of the building. This building would measure approx. 69.0m long and 71.5m wide, with a curved roof measuring approx. 13.5m to eaves and 15.0m to ridge. Both buildings would be utilitarian in appearance, finished in black/grey composite panelling and steel roofing, with roller shutter doors and entrance doors/windows in certain parts of the buildings.

- 4.2.3 The existing access into the site off Avenue One would be altered and enhanced, whilst also including a new cycle path, leading into an internal spine road to access the proposed units. A new pedestrian access and amenity area is proposed in the northeast corner of the site, near to Sainsburys. 106 vehicle parking spaces are proposed, including disabled spaces and 20% with EV charging points, 72 cycle spaces, as well as dedicated HGV docking areas for each unit. All mature trees around the edge of the site are retained, and areas of enhanced quality landscaping are provided. There will be the loss of a number of U Class and C Class trees, as well as the loss of several mature Category B trees in a sunken area to the immediate south of the existing building. The scheme is designed to achieve BREEAM Excellent certification and an Energy Rating of EPC A+ with aspirations to achieve BREEAM Outstanding.

- 4.2.4 The proposal would be facilitated by the demolition of the existing industrial buildings on site (subject of planning application ref: 25/00943/DD).

- 4.2.5 The application is supported by the following documents:

- ☐ Planning Statement
- ☐ Design & Access Statement/Design Document
- ☐ BNG Metric/Assessment
- ☐ Ecological Appraisal
- ☐ Transport Assessment
- ☐ Site Wide Travel Plan
- ☐ Desk Based Geoenvironmental and Geotechnical Site Assessment
- ☐ Flood Risk Assessment and Drainage Strategy
- ☐ Arboricultural Assessment
- ☐ Landscape/Tree Schedule
- ☐ Energy Strategy

- ☐ External Lighting Assessment
- ☐ Noise Assessment
- ☐ Statement of Community Involvement
- ☐ Materials Efficiency Plan
- ☐ Disassembly and Adaptability Study
- ☐ Design for Durability and Resilience
- ☐ Economic Benefits Statement
- ☐ Adaptation to Climate Change

4.2.6 Additional plans and further information have been submitted during the course of this application in an effort to respond to consultee comments, specifically the Environment Agency, County Highway Authority, County Archaeology and County Fire and Rescue/Water Officer

4.3 **Key Issues**

4.3.1 The key issues for consideration are the

- ☐ Principle of Development
- ☐ Planning History
- ☐ Visual Impact on the Character of the Area
- ☐ Design and Layout
- ☐ Landscaping
- ☐ Highways, Access, and Parking
- ☐ Ecology
- ☐ Impact on Heritage Assets
- ☐ Archaeology
- ☐ Surface Water Drainage/Flooding
- ☐ Fire and Rescue
- ☐ Environmental Health (Noise/Air Quality/Land Contamination)
- ☐ Environment Agency
- ☐ Waste and Recycling
- ☐ Statement of Community Involvement
- ☐ Climate Change/Sustainability
- ☐ Developer Contributions
- ☐ Other Matters
- ☐ Planning Balance

Principle of Development

4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) 2024 is a material consideration and is considered to be consistent with the Local Plan, also attracting significant weight.

4.3.3 Policy SP1 of the Local Plan supports development in the district by granting planning permission where development is high quality, respects and improves surroundings and provides opportunities for healthy lifestyle choices; provides necessary infrastructure and secures any necessary mitigation measures that reduce the impact of development, including on climate change. Policy SP3 of the Local Plan supports sustainable new economic growth through new business development on designated employment land, supporting development for employment uses including light industrial and B class uses.

- 4.3.4 Policy ETC1 of the Local Plan sets out that the council will support development in protected employment spaces for office, research and development, industrial processes, industrial and storage and distribution uses provided Use Class B8 development is easily accessible from the primary road network.
- 4.3.5 Section 6 of the NPPF sets out that there is a need to build a strong and competitive economy. Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.3.6 The site is within the Letchworth Industrial Estate, which is an allocated Employment Area in the Local Plan. The site and the current buildings/layout were bespoke built in the 1980s for the previous occupier, such that the building is not capable of re-use as is for modern industrial purposes and potential future occupiers. Because of this, if the site was to remain as is it would continue to make no contribution to the local economy. The site is also vacant so the proposal would constitute the re-use of previously developed land for a similar use, which is inherently sustainable. It is considered that the redevelopment of this site which would provide a modern commercial, employment generating use of industrial nature, and bring a currently un-used, vacant site back into use, is acceptable in principle. In respect of the proposed use of this site 24/7, Officers are aware of neighbouring commercial units within this Employment Area that also operate this way. Subject to the technical matters regarding noise and given the nature of the use/type of future occupiers, there is no objection in principle to the site operating 24/7.
- 4.3.7 The application is seeking permission for Flexible Use Classes including E g(ii) (Research and development of products or processes)/(iii) (Industrial processes), B2 (General industrial), and B8 (Storage or distribution), which are common uses in this industrial area. There is a possibility under the General Permitted Development Order 2015 to change between uses within the same class as this does not constitute development and therefore does not require planning permission. As such, some of the other sub classes under Class E may not be appropriate in this location, including (a) a shop for display or retail sale of goods and (f) creche/day nursery for example. It is therefore considered reasonable in this case to have a condition that the development only be used for the associated sub classes under Class E (g (ii) and (iii)), which would restrict the permitted change of uses under the GPDO 2015. Use Classes B2 and B8 are only permitted from B2 to B8, but the floor space of this building is in excess of 500sqm. In any case, B2 and B8 uses are commonplace and appropriate in this Employment Area, so there is no need to condition this as well.
- 4.3.8 This would accord with Policy SP1, SP3 and ETC1 of the Local Plan, as well as Section 6 of the NPPF.

Planning History

- 4.3.9 The site has been the subject of previous planning applications dating back to 1997 until 2017, in relation to the previous occupier of the site which was Tesco. These historic applications on site are of no direct relevance to this application.
- 4.3.10 An application was submitted under application ref: 25/00943/DD, seeking the Prior Approval of the Local Planning Authority for the demolition of the existing building on site. Prior Approval was deemed to not be required on the 19th May 2025. This application was submitted to provide the applicants with comfort that they could go ahead with the

demolition of the existing building whilst this current application is being considered. Consequently, the demolition of the existing buildings does not form part of the current application.

Visual Impact on the Character of the Area

- 4.3.11 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.12 The site is comprised of a single industrial building with ancillary office space on the western side. The building varies in heights but the office buildings measures approx. 6.4m to ridge with a hipped roof, and the industrial building is flat roofed measuring approx. 7.2m to ridge. The site also includes a large area of hard standing, formally used as a car park on the eastern side. This building is currently in a poor state of repair and there is defensive perimeter fencing surrounding the site, making it an uninviting presence on the street scene. The site is situated on an intersection between Avenue One, Avenue Two and Avenue Three in Letchworth. The entrance to the site is located in the north-west corner, off Avenue One. The Avenues are heavily tree-lined, and the site topography generally rises up to the south.
- 4.3.13 A Design and Access Statement has been submitted with this application, which assesses the impact and contribution of the existing building on the wider character of the area. The DAS goes on to robustly assess and justify the proposed development in this context, whilst being mindful of modern industry standards for this type of employment use. The proposed development would result in an intensification of built form, increasing the site coverage to between 40%-50% with the remaining space utilised for the access road, service yard, parking and additional landscaping. In respect of Building 1 on the western side of the site, this would bring built form closer to the western boundary with Avenue One, it would occupy almost the full length of the western side of the site at approx. 104.85m and would increase the height of the building to 16.0m. For Building 2, this would see the erection of a building where there is currently none, introducing a 15.0m tall building that would be mostly visible from Second Avenue and Third Avenue, with limited views from the access on Avenue One. Both buildings would be utilitarian in appearance, finished in black/grey composite panelling and steel roofing, with the lighter grey cladding on the upper parts of the elevations and the darker black cladding on the lower parts.
- 4.3.14 Officers acknowledge that the proposal will result in a material change to the visual character and appearance of the area, given the increased site coverage, considerable increases in height, and the siting of buildings closer to the west and east boundaries, compared to the existing building and site conditions. The buildings will generally be more prominent, given that the existing buildings on site are largely screened by the dense tree lines.
- 4.3.15 The applicants have provided a supplementary Design Document during the course of this application in support of the DAS, which includes 3D visualisations of the proposal from the primary viewpoints on Avenue One and Third Avenue, section drawings accounting for topographical changes, building line/massing plans showing the proposal in the context of the existing neighbouring commercial buildings in terms of height/site coverage, and some examples of similar scale developments in the south-east of England.

- 4.3.16 These plans, visualisations and examples show that whilst the development will be generally larger on all counts, it will be appropriate in this context. It is argued that the buildings are required to be of a specific height to achieve an internal clearance of 12.0m, to align with modern standards and requirements of future occupiers, and this is supported by the other examples of similar developments set out in the Design Document.
- 4.3.17 The topography of the site is such that the southwest corner of Building 1 will be set lower than the nearest neighbouring building to the south, and the northwest corner will be set away from the boundary with the nearest neighbouring building to the north by the access road and considerable existing landscaping, ensuring an appropriate visual impact from Avenue One. The same can be said for the views from Second Avenue, where the heights of both Building 1 and 2 will be largely similar to the height of the adjacent industrial buildings, and be set away from the Sainsburys building by a suitable distance.
- 4.3.18 The dense tree lines that exist on all three Avenues will be retained and enhanced where appropriate, screening the lower black cladged parts of the buildings and the associated activities within the site, whilst the lighter grey cladding to the upper sections will be visible above the canopies, but this is considered acceptable and largely a characteristic of other existing industrial buildings in the immediate vicinity.
- 4.3.19 Whilst the buildings will be more prominent and visible than the existing buildings, this is an employment area with a utilitarian character which the proposed buildings will reflect. Furthermore, it is considered that whilst the buildings will increase in height compared to the existing built form on the ground, there will be no wider harm or significant views from areas outside of the designed Employment Area, given the topography of the area, existing development screening, and the extensive scale of this Employment Area where the scheme will be read as appropriate in that context.
- 4.3.20 Whilst it is acknowledged that the development will result in a marked change to the visual character of the area, it is considered that the proposal is well designed in form and layout given the utilitarian context and will result in an acceptable visual impact on the character of the area. The scheme would respond positively to the site's local context. Therefore, there is no conflict with Policies D1 and SP9 of the Local Plan.

Design and Layout

- 4.3.21 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.22 The scheme has been designed with a layout and general design to reflect modern standards and requirements of future occupiers for these types of uses, ensuring a 12.0m internal clearance for the commercial purposes and to ensure the site can be used for this purpose for a long period, rather than the existing bespoke building which was suitable at the time of its construction but is no longer. The internal access road leading to the service yards and parking area is typical of this type of commercial development. The siting of buildings up to the boundaries is to maximise the efficiency of the site whilst allowing a suitable amount of internal space for the associated uses, trips to and from and parking for future employees, taking pressure of the existing on street parking that takes place on the surrounding highways. The proposed materials are suitable for this industrial area.

- 4.3.23 Given that the existing buildings and site layout is no longer fit for purpose, it is considered that the proposal which seeks to make the most effective use of space for layout purposes and provide industry standard units, whilst having an acceptable visual impact, is acceptable in this regard.
- 4.3.24 Overall, the design and layout of the proposal would accord with SP9 and D1 of the Local Plan and Section 12 of the NPPF.

Landscaping

- 4.3.25 Policy D1 of the Local Plan requires that development proposals take all reasonable opportunities to retain existing vegetation and propose appropriate new planting.
- 4.3.26 The submitted Planning Statement and Landscaping Scheme sets out that careful consideration has been given to the setting of the proposed units and the existing character of the site, including the existing dense tree line boundary and existing boulevard style created by the tree line along Avenue One. The proposed development would retain all boundary trees and maintain a visual boundary to development, with a modern high quality building seen beyond the canopy.
- 4.3.27 An Arboricultural Impact Assessment has also been submitted, which has appraised the existing trees and vegetation on the site. It sets out that the proposal includes the removal of 35 category B trees, 18 category C trees and partial removal of 4 category C trees to facilitate the delivery of the new units, largely within the Southwest corner of the site. To compensate for these removals, the development includes central planting at the most prominent part of the site along the access road leading through the development from the northeast access and to the east of units 3 extending the tree line boulevard style of Avenue One. These new trees seek to implement a new native mix and tree buffer along the eastern edge of the site and enhance the access road with an attractive tree avenue along the new proposed pedestrian and cycle route into the site, with the central spine road incorporating rain gardens and a new outdoor amenity space in the northern corner with timber seats and picnic tables for future occupiers/employees.
- 4.3.28 The proposed landscaping strategy is centred around the retention of the existing dense tree line on the three boundaries with Avenue One, Second Avenue and Third Avenue, which is crucial to retain the established, positive character of this part of the Employment Area. The removal of a number of Category B and C trees is acknowledged; it is necessary to ensure the development can be carried out and replacement planting throughout the site is proposed to mitigate this loss. The new planting will be sited in important parts of the site, namely either side of the access road off Avenue One, the northern corner where the amenity area is to be sited, as well as reinforcing the existing tree lines on Avenue One and Second Avenue. The planting on the internal spine road, whilst not visible for outside the site, is acceptable. Utilising a native mix of trees is suitable. Conditions requiring that the development be carried out in accordance with the landscaping scheme, that the existing trees to be retained on site are protected during construction, and that any trees that die within the first 2 years are replanted during the next available planting season, will be recommended for this proposal.
- 4.3.29 It is considered that the proposed landscaping scheme is acceptable in planning terms, would assist in mitigating the loss of existing trees and meets the requirements of Policy NE4 and D1 of the Local Plan.

Highways, Access, and Parking

- 4.3.30 Policy T1 of the Local Plan states that Planning permission will be granted provided that development would not lead to highway safety problems or cause unacceptable impacts upon the highway network. Policy T2 of the Local Plan and the Council's Vehicle Parking at New Development SPD sets out that parking provision must have regard for the standards set out in said documents.
- 4.3.31 The application has been submitted with a Transport Statement and Travel Plan which has considered the site and the proposal in the context of its impact on the highway network.
- 4.3.32 The proposal seeks to reduce the junction size of Avenue One, which will benefit pedestrians crossing the site access. The Transport Assessment confirms that an articulated HGV can access and egress the site using the revised site access even if on-street parking is present on Avenue One. The pedestrian footway on the southern side of the revised access is proposed to be extended into the Site to provide pedestrian access from Avenue One, and new pedestrian access is proposed via Third Avenue which will provide direct pedestrian access to the 'Sainsbury's' bus stop and local amenities located to the east of the site. The Transport Assessment states that the assessment of the local highway network does not indicate there will be a peak hour highway capacity issue as a result of the proposed development.
- 4.3.33 The Highway Authority have provided formal responses to this application, seeking further amendments to the existing access to shorten its width to allow for easier pedestrian crossings across the access in line with the NHDC Local Cycling and Walking Infrastructure Plan (LCWIP) for Avenue One, as well as other conditions relating to the improvements to the existing access, provision of EV charging points, Construction Management Plan, and Travel Plan. At the time of writing this report, amended plans have not been submitted as per the request of the Highway Authority, but informal correspondence has indicated that amended plans that seek to resolve this matter can be submitted and agreed. The access alterations would be assisted by a Traffic Regulation Order (TRO) on the part of Avenue One opposite the junction, given the tighter access and resulting tracking layout for HGVs. The provision of a TRO would be under the Highways Act and is therefore a matter for the Highway Authority. However, this is a material planning consideration and so it is considered reasonable to address this in a s106 legal agreement to ensure that the applicant is obligated to apply for the TRO to facilitate this development. This would trigger a cascade impact depending on the outcome of the TRO application, where if the TRO was approved then the amended access design as requested by the Highway Authority would be completed on site, but if the TRO was not approved then the access design as agreed by the applicant and Highway Authority as a suitable next best option would be completed on site. This will give the applicants the assurances they need for a fully implementable scheme, whilst also ensuring that the Highway Authority get some form of access which works for their requirements in accordance with the LCWIP.
- 4.3.34 In any event, the proposed measures are considered suitable, and conditions are reasonable to make the proposal acceptable in highway terms. These matters relating to the proposed access alterations can form part of the recommended resolution, that the application cannot be determined until a formal response of no objection to the amended access is received by the Local Highway Authority and this is delegated to the Development and Conservation Manager prior to any decision.

- 4.3.35 In respect of parking, the site is within Accessibility Zone 2 where under the Vehicle Parking at New Developments SPD, the zones represent the degree of restraint to be applied to new development within each zone type. Within each range the higher percentage represents the smallest acceptable reduction in provision. For Zone 2, this is 25%-50%. The maximum parking standards for each relevant land use is set out below alongside the Zone 2 reductions:

	(Zone 4) 100%	(Zone 2) 25-50%
B1(b) R&D / B1(c) Light Industry	341	85 – 170
B2 General Industry	239	60 – 119
B8 Distribution	159	40 - 80
Mixed B1/B2/B8	298	75- 149

- 4.3.36 It is proposed to provide 106 car parking spaces across the site which, with the exception of B8, falls within the maximum ranges for the proposed land uses when applying the zonal factor. Out of the 106 spaces, 7 will be designated for blue badge holders, 7 will be designated for car sharers, and 21 will have EV charging points. There will also be 3 motorcycle parking spaces and 72 cycle parking spaces.
- 4.3.37 The guidance in the SPD was drafted based on the previous Use Class Order, so adjusting for the new Use Class Order and the proposed uses under this development, the two uses in bold above are relevant to this proposal. The proposed car parking sits between the requirements of the use classes proposed and exceeds the B8 requirement, which is considered acceptable and will take pressure off the on-street parking that is a known reality in this part of the Employment Area. The proposed spaces for blue badge holders, car sharers and EV charging, as well as the motorcycle and cycle parking provision, is also considered acceptable and in accordance with the relevant guidance.
- 4.3.38 Overall, the proposal is considered acceptable on highway, access and parking grounds, in accordance with Policy T1 and T2 of the Local Plan.

Ecology

- 4.3.39 This application was submitted with a Preliminary Ecological Assessment and BNG Metric. The Councils Ecologist was consulted on the application and formally confirmed no objection to the proposal on ecological matters subject to conditions covering a Construction Environment Management Plan, Ecological Enhancements, and the statutory BNG condition.
- 4.3.40 Much of the site was covered in hardstanding, some of which has become overgrown, particularly in the southeast corner. The site coverage/footprint of the actual building that exists currently is below 30%, which is significantly below standard industrial/commercial development (generally 40-50% site coverage). The proposal seeks to increase the developable area covered by buildings, which will result in some loss of trees as already considered in this report, and areas of the overgrown grassland.
- 4.3.41 The PEA includes an assessment of faunal interest in the site and advised a further Great Crested Newt survey on the nearby pond. This has returned a negative result meaning that the proposal will not impact on a protected species. The application is subject to a requirement to deliver 10% Biodiversity Net Gain. The submitted Biodiversity Metric indicates a 5.93% net loss of habitat units and a 316% net gain in hedgerow units. In order to meet the unit shortfall, off-site Biodiversity units will need to be sourced. The Councils Ecologist has corresponded with the applicants ecological consultants, and it

is understood that investigations into a nearby habitat bank are underway, where details of which will be provided at discharge of condition stage. Given the existing habitats on the site and the submitted PEA which advises on a range of new ecological features that should be incorporated into the development, the conditions recommended to cover the CEMP and Ecological Enhancements are considered reasonable in this instance

- 4.3.42 Overall, it is considered that the proposed development is acceptable in ecological terms and can deliver net gains in biodiversity and subject to the above conditions and measures, will have an acceptable ecological impact, in accordance with Policy NE4 of the Local Plan.

Impact on Designated Heritage Assets

- 4.3.43 Policy SP13 of the Local Plan states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”*. This reflects paragraph 212 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas and listed buildings. Policy HE1 of the Local Plan states that *“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: 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”*. This is reinforced by paragraph 215 of the NPPF.

- 4.3.44 The site is not within the Conservation Area and there are no nearby designated or non-designated heritage assets that would be impacted by this proposal. The proposal therefore accords with Policy HE1 of the Local Plan and Section 16 of the NPPF.

Archaeology

- 4.3.45 Whilst no archaeological information was submitted at the initial application stage, the County Councils LEADS Team provided formal comments in June 2025. These comments set out that the site is located less than 500m to the south of the course of the Icknield Way [Historic Environment Record No. 4182], which is an ancient route along the Chiltern ridge, parts of which were re-engineered in the Roman period. The site is also c.200 metres to the east of an undated inhumation burial [HER no. 1301] that was discovered in the northeast corner of a factory owned by Shelvoke and Drewry Ltd during the Second World War. Several Roman coins [HER no’s 1257, 1258, 1278] have been found nearby. Because of this, conditions have been recommended to ensure an Archaeological Written Scheme of Investigation is submitted prior to demolition/commencement of development, with post investigation assessments.
- 4.3.46 The applicants, following this response, submitted further details and commentary on the archaeological matters. This response sets out that the site is not within an area identified as an Archaeological Priority Zone in the Local Plan, and following review of the data including historic mapping and ground investigation logs, it is argued that the site has experienced extensive disturbance in the 20th century due to the development of the site for the steel and engineering works and associated ancillary infrastructure before subsequent demolition and redevelopment of the site in the latter quarter of the 20th century into its current configuration. Cartographic evidence has been submitted which are argued to show the presence of provable 20th century made ground due to the presence of concrete and similarly modern clasts/ inclusions. These made ground deposits were identified to be of 1.5m – 4.80m thickness with the base encountered between 79.50m – 76.20m above Ordnance Datum. The deposits unconformably overlie

the Pleistocene glaciofluvial deposits or the chalk bedrock indicating that widespread truncation has occurred thus removing the potential for the presence of deposits of archaeological interest, should they have originally been present. This response effectively seeks to address the concerns of the County Councils LEADS Team and negates the need for any further investigations or archaeological conditions, except for ongoing monitoring during the construction of the scheme.

- 4.3.47 Following a meeting with the County Councils LEADS Team based on the aforementioned response, the formal response has been amended to replace a programme and methodology of site investigation and recording with an archaeological watching brief, given the likely extensive disturbances that have occurred on site. This has been agreed by the applicants.
- 4.3.48 This is acceptable and in accordance with Policy HE4 of the Local Plan.

Surface Water Drainage/Flooding

- 4.3.49 The site lies within Flood Zone 1 (low risk of flooding from rivers) with some areas of the site being susceptible to low and medium risk surface water flooding (flooding resulting from storm events). Given the scale of development, a Flood Risk Assessment and Drainage Strategy was submitted with this application.
- 4.3.50 The Lead Local Flood Authority (LLFA) was consulted on this application and formally responded with an objection to the scheme on several technical grounds but have set out that they would consider reviewing this objection if the stated issues are adequately addressed. One of the in-principle matters raised in the LLFA comments is whether this application passes the sequential test. The sequential test requires applicants to demonstrate that their proposed development site is the most suitable, low-flood-risk location compared to other available alternatives. The Council in this case consider that the sequential test is not necessary, given that we are looking at the proposed redevelopment of an existing brownfield site, within a designated and established employment area, with buildings and associated development, which would be for a similar purpose. It would make little sense from a planning perspective to require an applicant to consider alternative sites for the proposed development when this current site is vacant, comprises a building that cannot be easily re-used, and where there are indications that an amended FRA and Drainage Strategy can overcome the objections raised.
- 4.3.51 The submitted FRA and Drainage Strategy are comprehensive, and Officers understand that the applicant undertook pre-application submissions with the LLFA prior to this applications submission. The LLFA have set out their objection and what needs to be addressed in the FRA and Drainage Strategy and the agents have advised that these technical matters can be addressed without any significant amendments to the proposal. Therefore, given the extent of changes to the scheme will be very limited and the matters in dispute are very technical, alongside the lengthy time periods for consultation responses by the LLFA, it is considered reasonable to provide an additional proposal as part of the resolution recommended, that the application cannot be determined until a formal response of no objection and any relevant conditions is received by the Local Lead Flood Authority and this is delegated to the Development and Conservation Manager to consider prior to any decision being issued.
- 4.3.52 Therefore, subject to the proposed resolution which will enable future consideration of these matters, the proposal will not result in an unacceptable flood risk or have adverse drainage impacts, in line with Policy NE7 of the Local Plan.

Fire and Rescue

- 4.3.53 The County Councils Fire and Rescue Officer was consulted on this application and queried the location of fire hydrants around the site, particularly in the southeast corner between Second Avenue and Third Avenue. The applicants provided further information identifying that a fire hydrant does exist in this location currently, and that the proposal includes an additional two fire hydrants across the site. Subject to this information, the Fire and Rescue Officer has confirmed that the provision meets the Hertfordshire Fire and Rescue requirements.

Environmental Health (Noise, Air Quality, Land Contamination)

Noise

- 4.3.54 The application has been supported by a Noise Impact Assessment, which concludes that the noise levels generated from the site following the development will not have a negative impact on noise sensitive receptors nearby, as well as providing plant noise levels based on surveys. The Councils Environmental Health Officer has formally responded to this and given the location and proximity of receptors, raised no objections on noise grounds. There will be no adverse impacts on amenity of nearby neighbours as a result of this development, such that the development would be acceptable operating 24 hours a day/7 days a week, in line with Policy D3 of the Local Plan.

Air Quality

- 4.3.55 The application has also been supported by an Air Quality Assessment, which concludes that the impacts of the proposal will not be significant to warrant air quality concerns. The Air Quality Assessment also suggests measures which aim to minimise dust impacts during construction. The Councils Environmental Health Officer has formally responded to this and has no objection to the proposal on air quality grounds. They have considered whether the measures suggested in the Assessment could be conditioned by way of adherence to those measures, or by a Construction Management Plan. It is considered reasonable to ensure these measures are adhered to by recommending a condition that states that the development shall be carried out in accordance with the proposed measures set out in Section 6.0 of the Air Quality Assessment dated April 2025 by TRC.

Land Contamination

- 4.3.56 The application is also supported by a Phase 1 Land Contamination Assessment which concludes that a phase 2 ground investigation should be undertaken at the site. The Councils Environmental Health Officer has formally responded to this and agrees with this conclusion and recommends conditions ensuring that no development takes place until a Phase 2 report has been submitted to and approved in writing by the LPA, that the development will not be occupied until a validation report is submitted to and approved in writing by the LPA, and for monitoring of the site during construction for any contamination that was not previously identified. These are considered reasonable in this instance. This would comply with Policies NE11 and SP11 of the Local Plan.
- 4.3.57 The Councils Environmental Health Officer has also considered the submitted External Lighting Assessment, which has been designed to minimise impact from lighting on the surrounding area and upon ecology including shielding of lamps, choice of appropriate luminaires and efficient lighting. No objections have been raised on this matter.

Environment Agency

- 4.3.58 Given the nature of development and the possible contamination, geoenvironmental and geotechnical concerns, the Environment Agency were consulted on this application. Formal comments were received stating no objection to the development subject to 6 conditions covering various matters relating to ground investigation, verification, long term monitoring, previously unidentified contamination, surface water infiltration and piling.
- 4.3.59 The applicants have provided further information and data in response to the Environment Agency, querying specific parts of the recommended conditions (Conditions 1 and 3). The Environment Agency were consulted on this additional information and have formally responded with a slight variation to one of the conditions.
- 4.3.60 In any case, the proposed conditions from the Environment Agency are reasonable given the scale of development proposed and previous uses and have been largely agreed by the applicant.

Waste and Recycling

- 4.3.61 The County Councils Minerals and Waste Team were consulted on this application and response with no comments. It is assumed for Waste and Recycling that the operators of the units will adopt a private contractor arrangement for the disposal of waste and recycling, which is acceptable.

Statement of Community Involvement

- 4.3.62 A Statement of Community Involvement (SCI) has been submitted with the application. The SCI sets out the steps that have been taken to engage with the community and stakeholders. Over the public consultation period of approximately three weeks, opportunities were provided for local residents, businesses, and stakeholders to inform the proposals by responding to questions, providing feedback and engaging in discussions with the project team. Both digital and in person platforms were used including a project website, freephone numbers, and emails. Two feedback forms were submitted in response to the public consultation, and full details of these responses can be found within the accompanying SCI. The feedback received was largely positive.

Climate Change/Sustainability

- 4.3.63 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.
- 4.3.64 In terms of the economic objective, an Economic Benefits Statement has been submitted. The proposed development would bring a currently vacant site back into a commercial, employment generating use within an appropriate Employment Area, which will contribute to the local economy. The Planning Statement sets out that the development, based on its B2/B8 use, would generate approximately 123-314 new full time equivalent jobs during the operational phase, accounting for the flexible use. There is also the delivery of jobs during the construction phase, which is a material benefit given the scale of development.

- 4.3.65 In terms of the social objective, the proposed development would provide a significant uplift in local jobs which is also a social benefit.
- 4.3.66 In terms of the environmental objective, the proposed development has been supported by a Sustainability Assessment, Energy and Sustainability Strategy, and pre-Demolition Audit, which sets out the base build specifications for the proposed buildings, which includes the following measures:
- ☐ A commitment to BREEAM 'Excellent' as a minimum standard on all proposals.
 - ☐ An EPC rating of A+. The applicant is committed to exploring a range of opportunities and features to ensure any future proposal constitutes sustainable development.
 - ☐ Carbon Net Zero in Operation, in line with UKGBC Net Zero Carbon Buildings Framework.
 - ☐ Embodied carbon target <400kgCO2/m2.
 - ☐ At least 10% Biodiversity Net Gain (BNG) achieved through enhanced ecology, habitat creation and amenity spaces of local wildlife and communities. This may be achieved either on or off site.
 - ☐ PV ready roofs.
 - ☐ Roof lights for natural light.
 - ☐ 95% of waste diverted from land fill during construction.
 - ☐ Smart metering.
 - ☐ EV charging spaces and infrastructure for the future.
 - ☐ Designed and constructed in line with WELL Building Standards principles.
 - ☐ Unlocking Local opportunities, including employment and skills plans and supply chain prospects.
- 4.3.67 The Council's Strategic Planning Officer has considered the proposal in respect of sustainability, noting that the proposal does include a preliminary BREEAM assessment targeting BREEAM "Excellent"/ "Outstanding", which is very positive as it equates to Silver/ Gold respectively against our Sustainability SPD. Subject to further clarification on a number of points including the pre-Demolition Audit and on-site renewables, the Council's Strategic Officer has concluded that Overall, the pre demolition audit and E&SS are very encouraging as they reaffirm the BREEAM "excellent" aspiration and the use of onsite renewable tech in the form of ASHPs and PV panels. The aspiration to meet BREEAM Excellent/Outstanding is inherently sustainable from an environmental perspective, in line with the Silver/Gold standards of our Sustainability SPD.

Developer Contributions

- 4.3.68 In considering Planning Obligations relating to this proposed development, the Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. These are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The Council's Developer Contributions SPD 2023 also gives guidance on these matters.
- 4.3.70 Given the nature and type of development proposed herein, the County Councils Highway Authority and Growth and Infrastructure Unit have sought financial contributions.
- 4.3.71 The Highway Authority have sought Strand 1 contributions for the improvements to the site access to be delivered through a S278 agreement and travel plan contribution of £1200 per year (for a 5 year plan), and Strand 2 contributions in the amount of £78,080 calculated against the HCC's adopted Developers Planning Obligation Toolkit (2021). The applicants have provided a response to this requested contribution, factoring in the

existing site and use and calculating a reduced figure of £37,943 in Strand 2 contributions. The Highway Authority have considered this response and have formally responded, stating that they are in agreement with the amended figure for Strand 2 contributions. Moreover, the s106 agreement will incorporate an obligation on the applicant to apply for a Traffic Regulation Order (TRO) for the area of highway opposite the sites junction to allow for HGVs to ingress/egress the site without hitting any parked cars which is a known reality on Avenue One. The s106 will incorporate a cascade, whereby the outcome of the TRO application will determine which access design that seeks to incorporate the LCWIP will be delivered on site. Both options have been the subject of informal discussions with the Highway Authority and are ongoing, but the principle of access alterations are considered reasonable and form part of the resolution in the recommendation.

4.3.72 The Growth and Infrastructure Unit have requested contributions to the Fire and Rescue Service in the amount of £53,565 and monitoring fees in the amount of £420. The applicants have provided a response to this requested contribution, stating that they do not consider that this meets the CIL tests or Paragraph 57 of the NPPF. The Growth and Infrastructure Unit have considered this response and formally responded with further justification for the proposed financial contributions but at a reduced figure of £26,030 based on discounting the existing floor space, which are considered to meet the CIL tests and have been agreed by the applicant.

4.3.73 As such, the following Heads of Terms have been agreed with the applicant and will form the basis for a suitable legal agreement:

HCC:	Requested contribution, ref. to index linking and date received:	Amendment / change and date:	Policy ref. / notes:
Highways	Agreed site access improvements at the junction with Avenue One, once agreed delivered through a S278 agreement (Strand 1) Evaluation and Support Fee of £1200 per year (for a 5 year plan) for each Full Travel Plan (index linked to RPI from March 2014) £37,943 towards the NHDC Local Cycling and Walking Infrastructure Plan (LCWIP) for Avenue One, Letchworth Garden City (index linked to BCIS 1Q2024) (Strand 2) Obligation on the applicant to apply for a Traffic Regulation Order (TRO) for the area of highway opposite the access junction, with the resulting cascade effect on the access alterations based on the outcome of that TRO.		Policy SP7 Developer Contributions SPD
Fire and Rescue	£26,030 in Fire and Rescue Service Contribution towards expansion of Baldock & Letchworth Fire Station and/or provision serving the development (index linked to BCIS 1Q2025)		Policy SP7 Developer Contributions SPD

Monitoring fee	£340 adjusted for inflation against RPI July 2021.		Policy SP7 Developer Contributions SPD
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- 4.3.74 Following consultation with the applicant and the County Councils Growth and Infrastructure Department and the Highway Authority, the Council are satisfied that the planning obligations that have been sought meet the tests of paragraph 57 of the NPPF.

Overall Matters/Planning Balance

- 4.3.75 Overall, it is considered that the proposed redevelopment of this site, facilitated by the erection of two buildings including three units for Flexible Use Classes including E g(ii)/(iii), B2, B8, including servicing, parking, access, landscaping, is acceptable in principle. The scheme would bring a currently vacant and inefficient site back into a form of use, which is appropriate in this Employment Area.
- 4.3.76 Whilst Officers acknowledge that the development will result in a marked change to the visual character of the area, it is considered that the proposal is well designed in form and layout given the utilitarian context and will result in an acceptable visual impact on the character of the area, whilst making more efficient use of this existing employment land, in a sustainable location, within a designated and established employment area in Letchworth Garden City. The scale of development proposed is industry standard for this type of commercial scheme, as evidenced by the supplementary information submitted as part of this application, to ensure this employment site is viably developed for future occupiers. The landscaping measures are considered acceptable.
- 4.3.77 All other technical matters relating to archaeology, ecology, the Environment Agency and environmental health (noise, land contamination, air quality, noise) have been satisfactorily considered and can be resolved via suitable conditions.
- 4.3.78 Matters relating to highways and the flood risk/drainage matters are considered largely acceptable at this stage and formal approval of such matters can be dealt with by the proposed recommended resolution, as any possible amendments or changes would not significantly affect the overall scheme.
- 4.3.77 The Heads of Terms have been agreed, and a suitable legal agreement will form part of the resolution.
- 4.3.79 The proposal is therefore considered acceptable in accordance with the relevant local and national planning policies.

4.4 Conclusion

- 4.4.1 As above.

4.5 Alternative Options

- 4.5.1 N/A

4.6 Pre-Commencement Conditions

- 4.6.1 The applicant is in agreement to the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1 The application is therefore recommended to the Planning Control Committee with a resolution to **GRANT** planning permission, subject to the following matters:

- a) The completion of a suitable legal agreement in line with the agreed Heads of Terms.
- b) A response of no objection and any relevant conditions from the Local Lead Flood Authority, to be delegated to the Development and Conservation Manager prior to any decision.
- c) A response of no objection and any relevant conditions from the Hertfordshire Highway Authority, to be delegated to the Development and Conservation Manager prior to any decision.
- d) An agreement to an extension of time to the statutory determination date to allow for a), b) and c) to occur.
- e) The conditions and informatives set out below.

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 development shall be used under Use Classes E g(ii) (Research and development of products or processes) and (iii) (Industrial processes), B2 (General industrial), B8 (Storage or distribution), and for no other purpose (including any other purpose set out in Class E of the Schedule to the Town and Country Planning (Use Classes) 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the use of the development is appropriate for this location, as other uses included within Class E would not be acceptable in line with policies ETC1 and ETC3 and sections 6 and 7 of the National Planning Policy Framework.

4. 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.

5. Prior to the first occupation / use of the development hereby permitted, provision shall be made for 20% of the car parking spaces (20 spaces) to have active provision for EV charging and the remaining 80% of the car parking spaces to have passive provision for EV charging.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

6. No development shall commence, save for demolition and site clearance to slab level, 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 shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - 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;
 - k. Phasing Plan.

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 (adopted 2018).

7. At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

8. A No development, save for demolition and site clearance down to slab level, shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: The site lies within an area where there is potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted, in line with Policy HE4 of the Local Plan.

9. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

Reason: The site lies within an area where there is potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted, in line with Policy HE4 of the Local Plan.

10. C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted, in line with Policy HE4 of the Local Plan.

11. No development approved by this planning permission, other than demolition of the existing building on site, shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in

(2) 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.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 187, 196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

12. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 187, 196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

13. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 187, 196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 187, 196 and 197 and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

15. Development, save for demolition and site clearance to Slab level shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 187 of the National Planning Policy Framework and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

16. Piling or other foundation or ground improvement designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that piling or other penetrative foundation or ground improvement methods do not harm groundwater resources in line with paragraph 187 of the National Planning Policy Framework and relevant position statements within the Environment Agency's Approach to Groundwater Protection.

17. No development, save for demolition and site clearance to slab level approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted TRC Companies Ltd report dated March 2025 (Ref: 631621.0000.0000), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be 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 and in accordance with Policy NE11 of the Local Plan.

18. Prior to the development 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 and in accordance with Policy NE11 of the Local Plan.

19. Any contamination that is found during the course of construction of the development permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

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

20. No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the April 2025 Preliminary Ecological Appraisal and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to harm to biodiversity features.
- e) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

21. No development, save for demolition and site clearance to slab level, shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as the inclusion of integrated bird/bat and bee boxes in buildings/structures, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the North Herts Local Plan policy NE4.

22. The development hereby permitted shall be carried out in accordance with the proposed measures set out in Section 6.0 of the Air Quality Assessment dated April 2025 by TRC.

Reason: To ensure that the development has an acceptable impact on local air quality in accordance with Policy D4 of the North Herts Local Plan 2011 - 2031.

23. The development hereby permitted shall be carried out in accordance with the proposed measures set out in the External Lighting Assessment Report - Rev 1 - 2025.04.16 by MBA and plan no. 25020-MBA-EX-SP-DR-E-0001.

Reason: To ensure that the development has an acceptable impact in accordance with Policy D1 of the North Herts Local Plan 2011 - 2031.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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.