

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02159/FP	Use of land (B8 Class) to be used as open-air car storage (B8 Class retained) following demolition of garage storage units.	Icknield Garage Letchworth Ltd Icknield Way Letchworth Garden City Hertfordshire SG6 4AD

Submitted Plan Nos

3863 07 3863 06 3863 01 3863 04 3863 05A

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
NE4	Biodiversity and geological sites
SP1	Sustainable development in North Herts
SP2	Settlement Hierarchy and Spatial Distrib
ETC2	Employ Dev outside Employ Areas
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN16	Conserve + enhance historic environment

2.0 **Site History**

2.1 24/00854/LDCP - Demolition of existing garage. - Refused

3.0 **Representations**

3.1 **Neighbour Consultation** – None received.

3.2 **Highways:**

3.2.1 Objection – Insufficient information. Requests demolition vehicle movements details. Pedestrian access and construction access routes for vehicles.

3.2.2 No Objection, advises inclusion of informatives following receipt of further information.

3.3 **Environmental Health** – Requests condition restricting hours of operation, together with contamination condition.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application comprises a large site featuring individual garage units to the south of Icknield Way. The site is not within an employment area, or a conservation and features no listed buildings.

4.1.2 The site is allocated for housing under LG15 in the Local Plan 2011-2031.

4.2 **Proposal**

4.2.1 Planning permission is sought for the change of use of the land between B8 use classes from garaging to be used as open-air car storage following the demolition of garage storage units. Ancillary works are proposed to enable the use of the site for open air storage including palisade fencing.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

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

Principle of Development:

4.3.2 The site is currently in use as garage storage for individuals to rent a space for storage. Extensive hardstanding surrounding the garages is present on site. Local Plan Policy ETC2 is of relevance given that the proposal seeks to introduce a new employment use on land outside of an employment area. ETC2 permits employment uses provided they are for small scale employment development and are appropriate to the location in terms of their size, scale, function, catchment area, and their character. ETC2 also permits uses subject to them not occasioning no significant adverse impacts on living conditions.

4.3.3 It is considered that the proposed development is for small scale employment development and would require a limited presence on site by employees. Given the similarity in the nature of the existing and proposed uses, for storage, I consider that the proposed use would be appropriate for the location. Furthermore, the site is in proximity to an existing car garage and would be similar in nature and use to these, given the existing automotive nature of uses within the locality. Residential dwellings

are present to the side/rear of the site, and to the opposite side of Icknield Way. Environmental Health have made representation, advising that they do not object to the development subject to the restriction of opening hours, particularly late at night. Given that the proposed use would predominantly be quiet, except for when vehicles are being moved, I do not consider that the use would hold an unacceptable relationship with nearby residential uses subject to the compliance with the hours condition.

- 4.3.4 It should be noted that the site is allocated for housing by Local Plan allocation LG15. Evidently, this proposal does not comply with this allocation. This matter is acknowledged, however, given that the proposed use comprises the demolition of the garages, an operation that would have been required by the allocation, and given that it would only seek to introduce hardstanding and a means of enclosure, I do not consider that the proposed use of the site for the storage of vehicles would harm the allocation or make the site permanently unsuitable for housing development, subject to other material considerations. Furthermore, I consider that the proposed works can be undone and are not of such a permanent nature to result in the site not being suitable for the implementation of the housing allocation. The applicant has provided a statement advising that financial viability has impacted the ability for the site to be developed at present time for any use other than for the open-air car storage. Although fiscal data and information regarding the consideration of other uses has not been provided, I consider that the temporary nature of the change of use to storage is suitable justification.

Design and Appearance:

- 4.3.5 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.
- 4.3.6 The application seeks the demolition of existing garaging on the site and seeks its replacement with hardstanding. I consider that this would result in some benefits given the dilapidated nature of the existing buildings. It is considered that the change of use of the site for vehicle storage would not be at odds with the existing use of the site and nearby land uses, and would therefore not appear out of place in the context of the street scene. To mitigate potential visual impacts from the development from vehicle stacking, I consider it is prudent to condition a limit on vehicle stacking to ensure the visual impacts from the development are limited, and to ensure that the use is complementary to the local area.
- 4.3.7 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.8 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the provisions within the National Planning Policy Framework.

4.3.9 The proposal would not seek to erect structures or buildings within the site, and would result in a net loss of built form. At present, the site requires visits from various members of the public and therefore results in various vehicle movements throughout the day. It is considered that the change in use to open air car storage would result in a net reduction in vehicle noise for nearby residents and would therefore provide some benefits for the amenities of neighbouring occupiers. Given that the existing site is used for garage storage, and the adjoining site is used for vehicle maintenance, I do not consider that the use of the site for storage would be out of place when compared to the existing use of the site. Hours of operation would be limited by condition, providing noise mitigation for neighbouring occupiers, as requested by the Environmental Health team. No neighbour objections were received.

4.3.10 Given the above, it is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

4.3.11 Hertfordshire Highways have objected to the scheme, citing a lack of detail. A subsequent representation received 27 November withdrew this objection following the receipt of further information. They have recommended conditions and informatives to mitigate harm to the highway during the demolition and construction phase.

Environmental Implications:

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

Biodiversity Net Gain:

4.3.13 The application benefits from the de minimis exemption given that it would not be harming > 25 sqm of on-site habitat. Given the vast and uninterrupted hardstanding on the site, I consider that the site is not suitable for delivering measurable net gains in biodiversity as required by Local Plan policy NE4.

4.4 Conclusion

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

4.5 Alternative Options

4.5.1 None applicable.

5.0 Recommendation

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

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

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

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

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

3. The use hereby approved shall only take place between the hours of 8.00am and 6.00pm on Mondays to Fridays, 9.00am and 12.00pm on Saturdays and not at all on Sundays and public holidays.

Reason: The use is located in close proximity to residential properties and the restriction of activity is necessary to ensure that the residents of those properties can continue to expect to enjoy times of reasonable peace and quiet and to comply with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

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

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

5. When brought into use, vehicles shall only be stored in a single level with no stacking of any vehicles unless otherwise approved in writing by the local planning authority.

Reason: In the interest of local visual amenity, and to mitigate harm to neighbouring occupiers, to comply with Policies D1 and D3 of the Local Plan 2011-2031.

Biodiversity Net Gain

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

Proactive Statement:

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

Informative/s:

1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
- AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Signed  Sam Dicocco Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 11 February 2025	