

ITEM NO:	<u>Location:</u>	1 Avenue One, Letchworth Garden City, SG6 2HB
	<u>Applicant:</u>	Maizelands Limited and Arringford Limited
	<u>Proposal:</u>	Erection of single storey retail foodstore (Use Class A1), a three storey hotel (use Class C1), a single storey restaurant/drive-thru (Use Class A3/A5), a single storey coffee shop/drive-thru (Use Class A1/A3), new access arrangements, car parking, service areas, landscaping and other associated works following demolition of existing building (as amended by drawings received 02/06/2017).
	<u>Ref. No:</u>	17/00477/ 1
	<u>Officer:</u>	Tom Allington

Date of expiry of statutory period: 07 June 2017

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

The application is required to be determined by the Planning Control Committee, in accordance with the Council's constitution, as the site area exceeds 1 hectare (1.8ha. in this instance) and the floorspace of the proposals exceed 500sq.m (in this instance 4,887sq.m).

1.0 Relevant History

- 1.1 The site, No.1 Avenue One, Letchworth Garden City has a long and detailed planning history. These include a number of applications for advertisement consent during the 1980s and 1990s and up until 2001.
- 1.2 Of the other applications at this site, permission was granted in March 1998 for the 'change of use from Use Class B2 (General Industrial) to Use Class B8 (Storage and Distribution)' under referenced 98/00076/1. Permission was then granted in August 2001 for the 'change of use of part of building to use class B2 (general industrial)' under reference 01/00974/1.
- 1.3 A pre-application enquiry was submitted to the Council in June 2016 under planning reference 16/01553/1PRE. This sought the Council's advice on a potential re-development of the site, comprising 'Retail foodstore (A1), Hotel (C1) restaurant/drive-thru (A3/A5) together with car parking, landscaping and associated works'. A response letter dated 20th September 2016 outlined that given the 'out-of-town-centre' location and the sites designation as employment land, further information would be required before the application could be supported.

2.0 Policies

North Hertfordshire District Local Plan no.2 with Alterations 1996

- Policy 8 – Development in towns
- Policy 16 - Areas of Archaeological Significance and other Archaeological Areas

- Policy 21 – Landscape and open space pattern in towns
- Policy 36 – Employment Provision
- Policy 42 Shopping
- Policy 51 – Development effects and planning gain
- Policy 55 - Car Parking Standards

2.2 Submission North Hertfordshire Local Plan 2011-2031.

The submission local plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The Policies of the draft Local Plan therefore carry relative weight at this stage. The policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

- Section 2: Strategic Policies-
 - SP1: Sustainable development in North Hertfordshire;
 - SP2: Settlement Hierarchy;
 - SP3: Employment;
 - SP4: Town and Local Centres;
 - SP6: Sustainable transport;
 - SP7: Infrastructure requirements and developer contributions;
 - SP9: Design and Sustainability;
 - SP10: Healthy Communities.
- Section 3 – Development Management Policies -
 - ETC1: Appropriate uses in employment areas;
 - ETC3: New retail, leisure and other main town centre development;
 - T1: Assessment of transport matters;
 - T2: Parking
 - D1: Sustainable Design;
 - D3: Protecting Living Conditions;
 - D4: Air quality;
 - NE1: Landscape; and
 - NE8: sustainable drainage systems;
 - NE9: Water quality and environment; and
- NE11: Contaminated Land.

2.3 National Planning Policy Framework

- Section 1: Building a strong, competitive economy
- Section 2: Ensuring the vitality of town centres
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities

3.0 Representations

3.1 **Neighbours** - Application consulted on via neighbour notification and the display of site notices. One letter of objection has been received from planning consultants Rapleys LLP, on behalf of Lidl UK. Objections are summarised as follows:

- The proposed retail unit (Aldi) does not constitute ‘exception al circumstance’ as required by Policy 42.
- The proposal would have a detrimental impact on the vitality and viability of Letchworth Garden City and Baldock town centres as it would draw visitors away from the town centres.
- Town Centre sites are being put forward as part of the submission Local Plan which could accommodate each of the proposed uses separately.
- The proposed Aldi store would have a significantly adverse impact on the

established Lidl store in terms of trade draw, especially given the proximity of the site to the existing Lidl.

- The sequential test is insufficient. Although it considers three potential town centre sites, it states that these are too small. However, the test fails to consider these sites in terms of splitting the proposed uses up.
- The proposal would result in the loss of employment land. It has not been sufficiently demonstrated that the site has been adequately marketed for employment use.

3.2 **Letchworth Garden City Heritage Foundation** – No objection. However, ‘we request that careful consideration is given to the impact on the vibrancy and vitality of Letchworth town centre’.

3.3 **NHDC Environmental Health (Noise and nuisance)** – No objections, subject to informatives.

3.4 **NHDC Environmental Health (Contamination and air quality)** – No objections with regard to contamination, following the submission of additional information. However, further conditions are recommended to clarify this matter. With regard to air quality, no objections are raised, however the scope of the submitted Travel Plan should be expanded. Therefore a travel Plan should be required (to be subject of s106, as required by the HCC Highway Officer). In addition, a condition is recommended that requires Electric Vehicle charging Points at each aspect of the proposals.

3.5 **NHDC Waste Services** – No objection, subject to conditions

3.6 **Hertfordshire County Council Highway Officer** – No objections, subject to a conditions and s106 obligations, including the requirement for a Full Travel Plan to cover at least 5 years of the first occupation of the site and sum of £6,000 to be paid to HCC to cover the costs of the assessment of the Travel Plan. In addition, a further contribution of £16,000 is required for improvements to public transport (in this instance, towards the improvement of nearby bus stops adjacent to the site on Avenue One).

3.7 **Lead Local Flood Authority** – No objection, following the submission of additional information. Two conditions are recommended with regard to details of the final drainage scheme.

3.8 **Environment Agency** – No objection, following the submission of additional information. Four conditions are recommended which relate to surface water drainage and ground contamination.

3.9 **Hertfordshire Fire and rescue Services** – No objection, subject to s106 obligations regarding the provision of fire hydrants.

3.10 **Affinity Water** – No objections, subject to conditions.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site comprises Unit 1 on Avenue One, at the corner with the A505 Baldock Road. The site includes an existing building which consists of a large warehouse/ production building and a associated two storey office building, which is link attached to the warehouse. The main warehouse provides approximately 5,000sq.m of employment space and the offices provide approximately 2,000sq.m. the existing buildings are boarded up and have not been used for some time.

- 4.1.2 The site is accessed via Sixth avenue which bounds the northern boundary of the site and there are two further access points on Avenue One, which bounds the eastern part of the site, however these access points are blocked up and not used. The northern part of the site is covered in hardstanding which provides a car park for 180 car parking spaces and for lorries.
- 4.1.3 The site is located within the LE1 Employment Zone, as designated under both the North Hertfordshire District Local Plan no.2 with Alterations 1996 and the submission Local Plan 2011-2031.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the demolition of the existing warehouse and office buildings and for the redevelopment of the site to provide a mixed use development comprising four main elements, including:
- A single storey food supermarket (Use Class A1 – Retail), to be operated by Aldi Stores Ltd and which would include a Gross Internal Area (GIA) of 1,802sq.m
 - A three storey hotel (Use class C1) to be operated by Travelodge with a GIA of 815sq.m and which would include a total of 73 rooms and together with ancillary facilities such as a restaurant and bar at ground floor level.
 - A single storey restaurant/ drive- through unit (Use Class A3/ A5), to be operated by McDonald's restaurants and which would have a GIA of 443sq.m.
 - A single storey coffee shop also with a drive-through facility and which would have a GIA of 196sq.m.
- 4.2.2 The application also includes for associated landscaping and parking areas to serve each of the four elements and for revised access arrangements, whereby visitors would access the site via Avenue One and would exit the site at Sixth Avenue.
- 4.2.3 Each of the four elements would be located in each of the four quarters of the square site. The proposed food super store would be located at the south-eastern corner of the site, the hotel would be located within the south-western boundary and the café and restaurant/ drive-through would be located wither side of the access from Sixth avenue, within the north-west and north-eastern corners respectively. The areas of parking and the 'communal access road' would be located towards the middle of the site, between the four proposed uses.

4.3 **Key Issues**

- 4.3.1 Taking account of the development plan policies, central government policy guidance and the representations received from interested parties reported above, members should be aware that given the location of the proposed mixed-use development, the key issue in this instance is whether or not the proposal is acceptable in principle, in light of the following:
- Non-employment uses on designated employment land/ Loss of employment land;
 - Impact on the viability and vitality of Letchworth and Baldock town centres;
 - Whether or not there are any other suitable sites for the proposed development, other than this out-of-town-centre location
- 4.3.2 Principle of the proposed development within this employment location
The proposal seeks a change of use from general employment for which the site is allocated in both the Saved Local Plan (2007) and Emerging Local Plan - Policy 36 and ETC1 respectively. Both policies are not so tightly worded as to prohibit non-B uses as Policy 36 allows for "... *development and redevelopment to meet the needs of the available labour supply and changes in the local economy...*" and ETC1 states: "*other uses will only be granted (as an exception to the above criteria) where they: iii) Would bring comparable benefits to a B-use class use in the same*

location or; iv) Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.

- 4.3.3 Paragraph 22 of the NPPF (the framework) also provides guidance relating to the protection of allocated employment areas, and states that '*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*'.
- 4.3.4 The application is accompanied by an 'Employment Land statement' by Lambert smith Hampton. This statement outlines that the site has been marketed for B-class employment uses by both LSH and by CBRE for nearly four years and without success. The marketing campaign has included 'V' Marketing boards outside the premises, in a prominent location opposite the roundabout, a marketing brochure and direct mailing. The site has been advertised for either sale or rent and has been made available in part or as a whole. Although there was initial interest from a potential tenant; Tyco Safety Products; after lengthy negotiations, this was not successful and Tyco withdrew their interest. There has been little in the way of any other interest since and only negative responses have been received from potential tenants/ purchases.
- 4.3.5 Both LSH and CBRE have identified a number of shortcomings with the site and the existing accommodation to seek to explain the lack of interest and/ or demand for the existing premises. Firstly, there is a high percentage of office accommodation whereas the majority of potential tenants require only a small amount of office space. The warehouse has a lack of loading doors and the eaves height is particularly low which only allows for limited racking heights reducing storage capacity. Lastly, it is noted that the site is exposed to public access on three sides and so security is also an issue.
- 4.3.6 The Employment Statement by LSH concludes that having marketed the site for nearly four years, it is their opinion that 'the configuration and specification of the premises are increasingly obsolete for the majority of warehouse occupiers' and that 'it is unlikely a warehouse occupier will be found for the premises'
- 4.3.7 It is the officers opinion that the site has been adequately marketed for a significant period of time and there would appear to be a lack of demand for the existing facilities at this site. As such, in accordance with paragraph 22 of the NPPF, the Council's should not seek protect this employment land whereby it has been demonstrated that there is a lack of demand for premises such as this and there is not likely prospect of the site being put back into use which falls within a Class B employment use. This is particularly the case in this instance, as it is noted that an alternative use for the site has been found which albeit does not fall under any of the Class-B uses, it proposed mixed-use redevelopment of this site would generate a significant amount of employment.
- 4.3.8 The Design and Access statement submitted with this application states that the four aspects of the proposal (food superstore, hotel and restaurant/ drive-through and café/ drive-through) would generate the equivalent of 150 full-time jobs. On the basis of the plot ratio and density assumptions from the NHDC Emerging Local Plan, in comparison to potential B uses for a site of this size, the jobs generated would be:
- Class B1(a)/(b) (office) and light – 523 jobs
 - B1(c)/ B2 (light industrial) – 175 jobs
 - B8 (storage and distribution) – 121 jobs

- 4.3.9 It is clear from these figures that the number of jobs created is comparable to B1c/B2 type uses which would be acceptable in this location and the proposal reflects an uplift of jobs in relation to the existing permitted B8 use.
- 4.3.10 In light of the above considerations, it is found that the proposed development would comply with Policy 36 and emerging policy ETC1 and the NPPF in that the proposal would make use of an otherwise vacant site which has little prospect of being put to use in the immediate or short term future. In addition, the alternative use which is being proposed in this instance would bring comparable benefits to Class B uses, in terms of both generating similar levels of employment and it is also considered that at least three of the four proposed uses would compliment the employment area (The hotel, restaurant and café would provide services and facilities to the surrounding business within the employment area). As such, in this regard, the proposal complies with policy.
- 4.3.11 The Sequential test
The proposed mixed-use redevelopment of this site includes a number of uses which are considered 'town centre uses' whereby it is preferable that such uses be located within a town centre to seek to ensure the future viability and vitality of town centres and so that these which would be sited within the most sustainable locations. Although the site is located within the built limits of Letchworth, is outside of the town centre and so cannot be considered either a town centre location or an 'edge of town centre location'. Paragraph 5.7 of the emerging Local Plan and which forms part of the supportive text under policy ETC1, states that as part of the assessment of an application such as this, an application will need to demonstrate that '*no other suitable sites outside designated employment areas are viable and available; and details of any sequential and/ or impact testing*'.
- 4.3.12 In this instance, the application is accompanied by a 'Planning and Retail statement' which includes a sequential test and this has been independently assessed by Nathaniel Lichfield & Partners Ltd ('Lichfields') at the request of the Council officers.
- 4.3.13 This assessment by Lichfields (as well as the application statement) makes reference to the Tesco Stores Ltd v Dundee City Council legal decision (21 March 2012 in the Supreme Court) which provides guidance on the sequential approach. Whilst the NPPF requires some flexibility in terms of the sequential approach, this case outlined that '*it is the proposal for which the developer seeks permission that has to be considered..... not some other proposal which the planning authority might seek to substitute for which is for something less than that sought by the developer*'. Therefore, when applying the sequential test and assessing alternative sites, flexibility relates to format and scale but does not mean the developer should reduce the size of development and suggestions and proposals that the proposed development could be accommodated within the town centre but on separate sites would be contrary to this case law.
- 4.3.14 In assessing alternative sites, these must be of a suitable size to accommodate the proposals and should be available within the same timeframe. The application indicates that that the development will be completed in 2018.
- 4.3.15 The submitted sequential test considered three sites, which are within the emerging Local Plan and which include site LG19 The Wynd, site LG20 Gernon Road and site LG21 Arena Parade. At 0.5ha The Wynd is too small to accommodate the proposals. At 1.2ha and 1.7ha respectively, the Arena Parade and The Wynd could, in theory, accommodate the proposals in a higher density form and with reduced parking (which would be viable in this highly sustainable, town centre location). However, the key issue with all three sites is their availability within a timeframe similar to the Avenue One site. All three sites are currently occupied and redevelopment would require the sites to be assembled and demolished. It seems unlikely these sites can be brought forward for development within the next two years, and on this basis these sites can be discounted as unavailable for the

proposed development.

- 4.3.16 Following the Lichfields 'review' the applicant was invited by the Council to address the issues in terms of the potential for The Wynd and the Arena Parade sites to accommodate the development (albeit not within the same/ suitable timeframe) and has provided a further statement whereby they have explored the options for accommodating the proposals within these sites. It has been found that it not likely that a suitable scheme could be accommodated and in each instance the proposals would either have to be reduced (contrary to the case law discussed above) or these would require buildings of multiple storeys and which would be much taller than any existing building within the town centre.
- 4.3.17 In light of the above, officers are satisfied that the required sequential test has been completed and the application demonstrates that there are no other suitable sites either within or on the edge of the town centre which could either accommodate the proposed development both spatially and which are available within the same/ similar timeframe. The proposal is therefore acceptable in this regard.
- 4.3.18 Retail Impact assessment with regard to Letchworth and Baldock Town Centres
In addition to the sequential test, both the emerging local plan and the NPPF require that proposals for out of town centre locations also include a retail Impact Assessment, so as to take account the proposed development would have on the existing shops and services within nearby town centres.
- 4.3.19 A retail Impact Assessment has been included as part of the Planning Retail Statement, submitted with the application and which again has been assessed by Lichfields. Broadly speaking, the Lichfields assessment is consistent with and agrees with the findings of the RIA submitted with the application. In terms of 'comparison goods trade diversion' it is considered that *'a maximum comparison goods trade diversion of £0.35 million would represent an impact of -0.4% in 2021. ...this would be offset by expenditure growth between 2016 and 2021 (16%) and is unlikely to result in a significant adverse impact on comparison goods shops within the town centre'*.
- 4.3.20 With regard to the proposed restaurant and café, the maximum 'food and beverage trade diversion' of £2.7m would represent an impact of -6.9% in 2021. This level of trade diversion will be offset by expenditure growth between 2016 and 2021 (10.7%) and is unlikely to result in a significant adverse impact on food and beverage outlets within the town centre.
- 4.3.21 Most of the trade diversion to the proposed Aldi store would come from the out-of-centre Sainsbury's and Lidl. However, trade diversion and impact on out-of-centre food stores is not a retail planning consideration. Impact and trade diversion from Letchworth town centre will be concentrated primarily on the Morrison's and Iceland stores (-4.1% and -5% respectively). However, the impact on these would be relatively low and these stores would not be forced to close as a result of the proposed Aldi store. Impact levels on small convenience shops would also be low (-3.2%) and whilst the impact on food and beverage outlets in the town centre would be higher (-6.9%), this level of impact would still be offset by population/ expenditure growth.
- 4.3.22 In terms of the impact on Baldock, this would be focused on the Tesco store and the impact would again be at an acceptable level (-3.2%) and the store would be required to close as a result of the development whereby proposed. In addition, the loss of linked trips to Baldock would be minimal and although Baldock has a limited number of other convenience stores, the impact on the town centre is expected to be very limited.

4.3.23 In light of the findings of the retail impact assessment, together with the 'review and findings of Lichfields, it is found that the proposals at avenue One would not have a significantly adverse impact on the existing shops and facilities within the town centres of Letchworth and Baldock and so the proposal is acceptable in this regard.

4.3.24 Summary on the principle of the proposed development

The application is accompanied by a Planning and Retail statement and by an Employment Lane Statement' both of which have been independently assessed by Lichfields. Whilst some minor concerns were raised with regard to the findings of the sequential test (regarding insufficient flexibility when looking at alternative town centre sites), additional information has been submitted as part of the application to satisfactorily address any issues. Essentially, it is the officers view that the employment land can be released for alternative uses, as it has been demonstrated that it is not likely to be occupied for a class B employment use in the near future. In any case, the proposals would generate a significant amount of employment in themselves. In addition, it is found that the necessary sequential test has been carried out and that there are no other suitable sites, which are available within the same timeframe, which could accommodate the proposed development. Lastly, a Retail Impact Assessment has also been carried out and the Lichfields review is in agreement with the findings of the review, in that any impacts on the existing shops and services within the town centres of Letchworth and Baldock would be relatively limited. As such, the proposed development is acceptable in principle.

4.3.25 Impact on the character and appearance of the site and surrounding area

As noted, the site is situated within a designated employment area and so is surrounded on two sides (to the north and to the east) by large, industrial buildings which are relatively functional and utilitarian in design and appearance. The application site includes the existing warehouse building and associated office buildings, located towards the southern half of the site. These are of a tired and run-down appearance, with the offices boarded up, having been vacant for a number of years and having been subject to vandalism.

4.3.26 The proposed redevelopment of the site would include four new buildings, with each one located approximately within the four quarters of the site. The proposed Travelodge Hotel and the Aldi superstore would be located within a similar location to the existing buildings, towards the southern end of the site, near to Baldock Road. The smaller single storey restaurant/ drive-through and café/ drive-through would be located towards the northern end of the site, near to Sixth Avenue.

4.3.27 The Aldi superstore would be of a similar height and scale to the existing buildings and the proposed restaurant and café would be relatively small buildings, set within their own 'plots'. The three storey Travelodge hotel would be the tallest building and would measure approximately 10m in height. However, the Travelodge would be located within the south-west corner of the site whereby it would sit well below the level of Baldock Road, at the bottom of a steep bank and where it would be screened by a significant amount of existing trees and vegetation along both the southern boundary and along the western boundary of the site, along Dunham's Lane, which would be retained as part of the proposed development. Owing to the positioning of the proposed hotel and the existing screening, this part of the proposal would not be particularly visible from the surrounding area.

4.3.28 All four of the proposed buildings would be finished with contemporary materials, which are popular with modern commercial buildings, such as white and grey panelling, white render, large areas of glazing and the use of aluminium detailing. It is considered that each of the proposed buildings would be of a suitable design and would certainly represent a significant improvement on the appearance of the existing buildings on site.

- 4.3.29 The application is also accompanied by a detailed tree survey and proposed landscaping plan. The existing, larger areas of landscaping along the southern and western boundaries of the site would be retained. In addition, the amended landscaping details show increased landscaping to the northern boundary and the eastern boundary, along Sixth Avenue and Avenue One respectively. Additional planning would also be provided towards the centre of the site, which would line the exit onto sixth Avenue, which would help to separate and demarcate the four proposed buildings/ uses and trees are also proposed at regular intervals across the large areas of parking, which would help to soft and break-up the areas of hardstanding.
- 4.3.30 Lastly, the proposed plans also include for two 'totem' signs to be positioned along Baldock Road. Whilst no objection is raised with regard to these, it is noted that notwithstanding the plans, these signs would require separate Advertisement Consent. An informative to this effect is to be included in any grant of planning permission
- 4.3.31 In conclusion, officers are of the view that the proposed development would not harm the character and appearance of the site or the surrounding area and so would be acceptable in this regard.
- 4.3.32 Matters of access, highway safety and parking
In this regard, a Full Travel Plan and a Transport Assessment, both by I-Transport LLP have been submitted together with the application and a full and comprehensive consultation response has been received from the HCC Highway Officer, who has assessed these submitted documents together with the rest of the application and has not raised any objections.
- 4.3.33 The proposed access/ egress points onto Sixth Avenue and Avenue are considered to be suitable and of a suitable width. The access has also been subject to a swept path analysis which demonstrates that there would be suitable access for larger vehicles (for example, refuse vehicles, larger delivery lorries and emergency vehicles). The access point would also benefit from adequate visibility splays and pedestrian visibility
- 4.3.34 With regard to the impact on local traffic, traffic data has been obtained using an assessment of the TRICS database to calculate additional trip rats generated by the development. There would be some queueing on nearby junctions during peak hour travelling periods, however the HCC highway Officer advises that this would not be significant and certainly not so detrimental so as to warrant the refusal of the proposed development.
- 4.3.35 In terms of public transport, the existing bus service has been considered to be a viable service to meet the needs of the businesses in order to reduce the use of the private car. The Highway Officer has recommended that s106 contributions (£16,000) be sought to provide upgrades to the existing bus stop on Avenue One and to provide a new bus stop on the opposite side of the road, both of which would be accessibility compliant to encourage usage.
- 4.3.36 As mentioned above, a Travel Plan has been submitted with the application. Whilst this provides a useful basis for assessment, it is lacking in terms of some information. As such, the Highways Officer has also recommended that a full and thorough Travel Plan be provided as part of a s106 obligation, to cover at least the first 5 years of the commencement of the development. This would also include a financial obligation of £6,000 to allow for the necessary evaluation and monitoring by the HCC Highways team.
- 4.3.37 Subject to the required s106 obligations, which are included as part of the s106 which has been provided in this instance, together with a number of conditions which have also been recommended by the Highway Officer, the application is found to be acceptable in terms of access and highway safety.

4.3.38 The existing area of parking, which totals some 180 spaces, would be replaced with various car parks which would serve each of the four aspects of the redevelopment of the site and which would total 219 spaces, including 14 disabled spaces and 33 cycle spaces would also be provided. A breakdown of the spaces available to each use is provided below:

- Aldi superstore – 92 associated parking spaces (of which would be 5 accessible bays and 11 parent and child spaces)
- Travelodge Hotel – 58 spaces
- McDonalds Restaurant – 49 spaces
- Café – 20 spaces.

4.3.39 It is the officers view that each of the proposed uses would be provided with sufficient parking provision, in accordance with the Council's minimum standards. It is also noted that each of the units could provide 'overspill parking' for the other units, if for example, on occasion, one of the four uses is particularly busy, customers would be able to use the car parks serving the other three units. No objections are raised with regard to parking provision.

4.3.40 Further considerations

- Impact on residential amenity

As noted above, the site is located within a designated employment area and is largely surrounded by existing industrial and commercial uses. The proposed development would likely compliment these neighbouring uses, in providing new facilities for these businesses.

4.3.41 The nearest residential neighbours are quite some distance from the site, some 400metres away to the west at Jackmans Place. These neighbouring properties are separated from the site by the recreation ground, Dunhams Lane and the tall, dense vegetation along the western boundary of the application site. Owing to this distance, officers are of the view that the proposed development would have little or no impact on the living conditions and residential amenity of these or any other neighbouring properties.

4.3.42 – Drainage and contamination

Initial concerns and objections were raised by the Council's Environmental Health Officer, the Lead Local Flood Authority (LLFA), and the Environment Agency with regard to insufficient information on matters of surface water drainage and contamination (ground contamination and contamination of water sources). Subsequently, an updated Drainage Strategy by Nolan Associates and a Phase I and Phase II Ground Investigation and Test Report by GIP Ltd has been submitted. The LLFA, the EHO and the EA have been re-consulted who have considered this additional information and the initial concerns have been overcome, subject to various conditions which require further information.

4.3.43 – S106

At the time of writing this report, a s106 legal agreement was in the process of being completed (with a mind that it would indeed be completed by the date of the committee meeting on 14th September). The s106 in this instance is relatively straightforward and only includes the following obligations:

- At the request of HCC Highways that a Travel Plan be submitted, agreed and monitored and that a sum of £6,000 be provided in order to cover the costs of assessment and Travel Plan Evaluation.
- That a sum of £16,000 be provided towards improvements to the bus stop on Avenue One immediately outside of the site and to provide a new bus stop on the opposite side of the road (based on providing easy access kerbs).

- That Fire Hydrant provision also be included as part of the development, as requested by HCC Fire and Rescue Services.

4.3.44 These provisions are considered to be both reasonable and necessary in order to ensure that the proposed development would be acceptable and these obligations would also directly relate to the proposed development, in accordance with the Community Infrastructure Levy Regulations (CIL) 2010.

4.4 **Conclusion**

The proposed development would be an appropriate form of development, as it is found that there is no reasonable demand for this designated employment land, the necessary sequential test has been carried out which demonstrates that there are no other viable, alternative sites which could accommodate the proposed development and a Retail Impact Assessment has been carried out which demonstrates that the proposed development would not have a significant impact on the viability and vitality of the town centres of Letchworth Garden City and Baldock. I consider there to be no sustainable planning objections to raise to the application and so I recommend that planning permission again be granted for this scheme, subject to certain safeguards set out in the conditions recommended below and subject to the necessary and reasonable obligations which have been secured via a s106 agreement.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 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. Details and/or samples of materials to be used on all external elevations and the roof of each of the individual units of development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the commencement of groundworks for that individual unit of development and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

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.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

8. Prior to the commencement of groundworks for each of the four individual units of development, full details of the on-site storage facilities for commercial waste, including waste for recycling for that particular unit of development shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

9. The development hereby permitted shall not be brought into use until the proposed accesses have been constructed, as identified on the 'in principle' details on drawing number AP(0)002 revision G that shall include pram crossings complete with tactile features to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

10. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

11. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The siting and details of wheel washing facilities; d. Cable trenches within the public highway that affect traffic movement of existing businesses and highway users;

Reason: In order to protect highway safety and the amenity of other users of the public highway.

12. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy carried out by Nolan Associates, project No. 2016-238-RP-100, dated May 2017 and the following mitigation measures detailed within the FRA:

1. Final detailed scheme with updated calculations including all site area and not only the impermeable area.
2. Demonstrate that attenuation can be provided to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% of climate change event.
3. Implementing appropriate drainage strategy based on attenuation and discharge into the surface water sewer network as indicated on drawing No. 2016-238-101 Rev. T1 – Drainage Layout.
4. Limiting surface water discharge off the site at a maximum rate of 5.0 L/s for each discharge point for the 1 in 100 year plus 40% for climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

13. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall include.

1. Final detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

2. Final detailed maintenance and management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

14. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.

2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.

3. Based on the risk assessment in (2) an options appraisal and remediation strategy 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 actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reasons: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and protects groundwater through ensuring that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework, which states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

The previous use of the proposed development site (including undertaking coating and enamelling activities) presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 1.

15. 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 obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons To protect groundwater through ensuring that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 109 of the National Planning Policy Framework. Contamination can still be missed by an investigation and this condition gives the Local Planning Authority the ability to require a new, or amendments to an existing, remediation strategy to address any previously unexpected contamination.

16. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems.

17. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reasons: To protect groundwater. Piling or any other penetrative groundworks can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. A piling risk assessment and appropriate mitigation measures should be submitted with consideration of the Environment Agency guidance. During piling works, due to the proximity of nearby potable abstractions weekly groundwater monitoring for insitu parameters and turbidity should be considered. This condition is in line with paragraph 109 of the National Planning Policy Framework.

18. Prior to occupation of the development there shall be provision of electric vehicle recharging infrastructure at the level specified here:
 - (a) Prior to occupation, the food-store shall include provision for 4 (4%) of the car customer parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV charging points.
Prior to occupation, a further 4 customer car parking spaces (4% of the

total provision) shall be made ready and available to be phased in for EV parking and served by EV charging points by the food-store. Prior to occupation, the food-store shall include one EV charging point and designated parking bay for its staff car parking area.

- (b) Prior to occupation, the hotel shall include provision for 2 (3%) of the customer car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV charging points. Prior to occupation, a further 2 car parking spaces (3% of the total provision) shall be made ready and available to be phased in for EV parking and served by EV charging points. Prior to occupation, the hotel shall include a minimum of one EV charging point and designated parking bay for its staff car parking area.

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.

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

Reason: To prevent environmental and amenity problems arising from flooding.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Environment Agency Informative 1: Groundwater Protection

We welcome the revised preliminary risk assessment to controlled waters, and the explanation of the permits related to this site. The site investigation undertaken to date does provide some conceptualisation of the site, however, we do not believe that the risks to controlled waters have been fully investigated considering the proximal location to a Source Protection Zone (SPZ) borehole.

The samples analysed as part of this investigation have been restricted to the top 0.5 metres (m) (with the exception of CP7 taken at 2m bgl). It was stipulated within the report that made ground extends to 2.3m bgl in CP1 and >2.45m bgl in WS6. We believe it would be prudent to undertake further sampling at appropriate depths beneath the made ground across this site. This will endeavour to provide greater characterisation of the site and the risks to controlled waters. We believe it would be most practical to undertake this sampling during demolition and excavation of the made ground. The samples must undergo leachate analysis due to the sites setting. If groundwater is encountered once more (even as perched groundwater), sample analysis of this would provide valuable information to inform the conceptual site model.

The report also indicated that soakaway drainage may be utilised discharging into the chalk as infiltration rates appeared more appropriate. If this is to be progressed we would remind the developer that we would not accept any infiltration system deeper than 2m bgl. Considering the sites location within an SPZ1 we would more than likely object to the use of deep borehole soakaways. We consider any infiltration Sustainable Drainage System (SuDS) greater than 2m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

Highway Informative 1

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact <https://www.hertfordshire.gov.uk> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Highway Informative 2

Prior to commencement of the development the applicant shall contact <https://www.hertfordshire.gov.uk> or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.

Environmental Informative 1

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the demolition and construction no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Environment Agency Informative 2: Sources of Information

We recommend that the developers should refer to:

1. Our "The Environment Agency's approach to groundwater protection", formally "Groundwater Protection: Principles and Practice (GP3)":
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620438/LIT_7660.pdf
2. The risk management framework provided in CLR11, "Model Procedures for the Management of Land Contamination", when dealing with land affected by contamination:
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SCHO0804BIBR-e-e.pdf>;
3. Our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site:
<http://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/192-guiding-principles-for-land-contamination-gplc>. The

Local Authority can advise on risk to other receptors, for example human health);

4. Our “Verification of Remediation of Land Contamination” report:
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0210brxf-e-e.pdf>;

5. The CL:AIRE “Definition of Waste: Development Industry Code of Practice” (version 2) and our related “Position Statement on the Definition of Waste: Development Industry Code of Practice”:
<http://www.claire.co.uk/component/phocadownload/category/8-initiatives?download=212:definition-of-waste-development-industry-code-of-practice> and
http://www.claire.co.uk/index.php?option=com_phocadownload&view=category&download=178:dow-cop-ea-position-statement&id=8:initiatives&start=20&Itemid=230;

6. British Standards BS 5930:2015 and BS10175:2011 and our “Technical Aspects of Site Investigations” Technical Reports P5-065/TR:
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SP5-065-TR-e-e.pdf> and
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SP5-065-TR1-e-e.pdf>;

7. Our “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination” National Groundwater & Contaminated Land Centre Project NC/99/73:
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>;

8. Our “Good Practice for Decommissioning Boreholes and Wells”:
<http://stuartgroup.ltd.uk/downloads/wellservices/groundwater/boreholedecommissioning/EAGuidelines.pdf>;

Environmental Health Informative: EV Charging Point Specification:

The charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

Anglian Water Informative

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.