

Location: Land Adjacent To Unit 3 On The West Side Of
Cadwell Lane
Hitchin
Hertfordshire
SG4 0SA

Applicant: Mr I Turness

Proposal: Use of land for the siting of 20 No. steel shipping containers for long-term self-storage (Use Class B8) with associated palisade security fencing, vehicular access gates, external lighting, CCTV and hard surface (amended plans received 21/10/2022 and 20/01/2023).

Ref. No: 22/01810/FP

Officer: Harriet Sanders

Date of expiry of statutory period: 01/09/2022

Reason for delay

Time taken to seek clarification of issues raised during the determination period. Revisions have been made to the proposed scheme and further reconsultation following the amendments to the scheme.

Reason for referral to committee

This application has been called into Planning Control Committee by Cllr Albert for the following reasons:

"My grounds for call in are related to size and appearance - it will dominate neighbouring Recreation Ground.

There will be disturbance to neighbours from noise (24/7 use) but more particularly right to light from the height of the containers, impacting on neighbouring industrial unit.

While this is a busy road, there will be additional traffic problems, with an entrance opposite Wallace Way.

I do think there are safety issues also on an unmanned site being used 24/7 with the mobile stairs."

Cllr Albert also raises concerns regarding potential parking rights on the land and boundary matters.

Plan Numbers

2204-00A Location and Site Plans

2204-01A Existing Block Plan

2204_02B Proposed Block Plan

2204_03B Proposed Plan Elevations

2204-04B Proposed Street Scenes

Supporting Documents

Planning, Design and Access Statement, July 2022

1.0 **Policy**

1.1 **National Planning Policy Framework, 2021**

1.2 The relevant sections of the Framework are:

- 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
- Section 15: Conserving and enhancing the natural environment

1.3 **North Hertfordshire District Local Plan 2011-2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP3: Employment

Policy SP6: Sustainable Transport

Policy SP9: Design and Sustainability

Policy ETC1: Appropriate Uses in Employment Areas

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

Policy NE4: Biodiversity and Geological Sites

1.4 **Supplementary Planning Document**

SPD – Vehicle Parking at New Developments, September 2011

2.0 **Site History**

- 2.1 22/01334/FP - Use of land for the siting of 40 No. double-stacked steel shipping containers for self-storage (Use Class B8) with associated palisade security fencing, vehicular access gates, external lighting, CCTV and hard surface – withdrawn 06/07/2022.

3.0 **Representations**

3.1 **Consultee Responses**

- 3.1.1 *Hertfordshire County Highways* – does not wish to restrict the grant of permission and makes the following comments:

- The proposed access gate to the site will be set back over 13m from the highway and open inwards so will not obstruct access from the highway.
- The site is intended to be used for long-term storage - the proposed 20 single containers are therefore unlikely to have an adverse effect on the highway.
- The site is located within a large industrial estate suited for a high number of vehicle trips.
- The containers will be positioned around the perimeter of the site leaving a 5.6m wide corridor through the centre of the site. This will be used as an access road and will leave ample space for passing vehicles while others are loading/unloading. There is also a large turning space close to the entrance which ensures that even larger vans will be able to leave the site in a forward gear.
- A parking area for six vehicles will be provided at the eastern end of the site. This is slightly low based on the LPA's parking standards that suggest one parking space per 75m² for B8 storage.
- However, there is ample space within the storage facility for at least a few parked vehicles.
- The parking spaces are adequately sized but they are a little lacking in turning space.
- Concern is raised that the access road also serves a parking area for the neighbouring unit and these spaces will be left with an access road and turning spaces of just 2.8m making these spaces almost impossible to use.
- Although the Highway Authority looks to encourage the use of cycling as a sustainable form of transport, it is accepted that few customers are likely to deliver or collect items from storage on a bicycle. Customers could take their bicycles into the secure storage facility.

- 3.1.2 *Environmental Health (Contaminated Land)* – no objection and makes the following comments:

- The application comprises a proposal for provision of hardstanding and siting of shipping containers for storage.
- It is considered to be a low sensitivity end-use with respect to potential contamination on land.
- Not aware of any potentially contaminative land use, either past or present, on the site, and so the risk of development works causing mobilisation of contamination in the soil, is considered to be low.
- Therefore no investigation is required relating to potential contamination on land.
- No requirements for the imposition of planning conditions, in the event that permission may be granted.

3.1.3 *Environmental Health (Noise and Other Nuisances)* – no formal response received at time of writing this report. However, the Planning Officer and Environmental Health Officer have spoken and it has been confirmed that there is no objection raised to the scheme on the basis of noise disturbance. A formal response will be submitted by the Environmental Health Officer prior to committee and any additional points will be reported verbally by the Planning Officer at the committee meeting. The Environmental Health Officer noted that:

- The use is unlikely to generate significant noise disturbance;
- The layout of the containers would create a noise barrier in themselves;
- It would be reasonable to require a Noise Impact Assessment to assess potential acoustic harm of night-time noise between 11pm and 7am.

3.1.4 *Environmental Health (Air Quality)* – no adverse EH comments.

3.1.5 *Waste and Recycling Services Manager* - no comment.

3.1.6 *Hitchin Forum* – raised a strong objection to the initial scheme of 40 containers on the grounds of appearance and size, disturbance to neighbours from noise and lighting, traffic, safety and screening. Following the revision to the scheme, they noted that the revisions are a significant improvement visually and will halve the resulting traffic accessing and leaving the facility and that no upper level reduces risk to users.

3.2 **Comments Received**

3.2.1 The application has been advertised with site notices and neighbour notification letters. 20 objections have been received. The key points include:

- *Notifications* - question whether notice has been posted and neighbours notified.
- *Land ownership* - question land ownership within the red line.
- *Area is currently a car park* - designated in around 1958 as car parking for factory units in Cadwell Lane and Wallace Way.
 - Staff would have to park along Cadwell Lane and Wallace Way, restricting access to the industrial area beyond.
 - Local landowner has legal and historical right to parking vehicles on the site.
- *Impact of traffic, road access and parking*
 - Cadwell Lane and Wallace Way already suffer with the parking of lorries attending the two local recycling facilities – would cause further potential problems.
 - Cadwell Lane already very busy with frequent traffic jams – increase in traffic generation lead to risk to residents and businesses.
 - Would cause problems with lorries queuing at peak times of the day.
 - Parking displacement
 - no control over number of visits to the site – traffic already at critical level
 - How accommodate large vehicles with deliveries – how police vehicle size
 - Increase risk of traffic to young people and local residents
- *Visual Impact*
 - Double stacked containers will be unsightly when viewed from the recreation field and not appropriate next to the playing field
- *Impact on Recreation Ground*

- This area was considered to be maintenance access for the hedging along the recreation ground Not in keeping with green open space
- 2016 initiative Cadwell Lane Playing Field GAP 2016 – to improve overall welcoming appeal to the area – not in line with these principles
- *Impact on Unit 3*
 - Double stacked containers will dramatically affect sunlight/daylight to Unit 3.
 - Privacy and security issues for Unit 3.
 - Loss of privacy – imposing development create dark and secluded environment for access to the unit
 - Irregular access times make it harder to monitor for anti-social behaviour posing a security risk
 - Would encourage anti-social behaviour and loitering.
 - Security aspects over items stored in containers.
- *Noise and disturbance* – Already disturbed by traffic to recycling centre at end
 - 24hr lighting – unacceptable light pollution
 - Impact riverside walk behind due to 24hr operation
 - Steel doors loud – particularly at night
- *Impact of lighting* - More lighting unacceptable
 - Security lighting from nearby unit illuminate residential windows and light up gardens and wooded areas impact wildlife
- *Impact on wildlife and nature* - wildlife to rear of site would be impacted
 - Bats impacted by external night lighting
 - Impact on other wildlife including badgers, deer and various birds and animals
 - Limit natural growth of hedge would be unacceptable
- Was previously a landfill site – high levels of methane – concerns development would release methane
- Security fencing a risk to children and animals along the boundary
- Waste disposal
- Increase in crime – The UK Government launched an initiative in 2021 aimed at targeting criminals using these types of storage facilities for counterfeit goods, Tick Box initiative
- CCTV – GDPR concerns

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

Application Site

4.1.1 The application site is broadly rectangular in shape, located to the west side of Cadwell Lane. The site is part of an existing industrial area, albeit on the edge of the industrial estate. It is currently used as a car park. The site has an existing access onto Cadwell Lane. The site access is shown to be under the ownership of the applicant and included within the application red line. The adjacent industrial unit to the north, Unit 3, it understood to have a right of access through the access from Cadwell Lane to Unit 3. This has been verbally confirmed by the owner of Unit 3 during a telephone conversation.

4.1.2 The site is bounded to the north by Unit 3 and associated hard standing. It is bounded to the east by Cadwell Lane and to the west by vegetation and trees with the River

Purwell and railway beyond. To the south is the recreation ground. The boundary between the site and the recreation ground is formed by a moderate sized hedge.

- 4.1.3 The site slopes gently down to the south towards the recreation ground and to the west from Cadwell Lane down towards the river and railway.
- 4.1.4 The site is covered in a mix of hard standing, gravel and compacted earth and scrubby vegetation.
- 4.1.5 The site is clearly visible driving towards the industrial estate along Cadwell Lane due to the open views across the recreation ground and its location on the edge of the industrial estate.
- 4.1.6 The site falls within a designated employment area.

Surrounding Area

- 4.1.7 Surrounding uses include extensive industrial uses to the north and east, including recycling facilities, recreation uses to the south and residential to the southeast. The adjacent unit, Unit 3, is modest in height with a taller element at the rear of the Unit. There is parking on the hard standing to the front of the unit. Opposite the site is a two-storey building and yard areas enclosed with palisade fencing and gates.
- 4.1.8 The overall character of the area is mixed industrial and employment uses with a variety of unit styles, heights and designs with some yard areas with security fencing and enclosures. The entry to the industrial area along Cadwell Lane is characterised by residential properties with a 3 plus roof accommodation apartment block nearest to the site and the open recreation ground. Off street parking is available on Cadwell Lane adjacent to the recreation ground. There is on street parking on the streets nearby.
- 4.1.9 During the site visit, it was noted by the officer that the area was moderately busy with traffic and larger vehicles including lorries. Several lorries were parked on Cadwell Lane with others turning into and out of Wallace Way.

Constraints

The site lies within the designated employment area when Policy ETC 1 applies.

4.2 Proposal

- 4.2.1 Consent is sought for:

“Use of land for the siting of 20 No. steel shipping containers for long-term self-storage (Use Class B8) with associated palisade security fencing, vehicular access gates, external lighting, CCTV and hard surface.”

- 4.2.2 The key elements of the proposal are:

- *Siting and design* - The units will be sited on the western part of the site, with parking to the east.
 - The containers will sit largely along the edges of the site, forming the boundaries.
 - each storage unit/container will measure approximately 6m in length, 2.4m in width and 2.6m in height.
 - The containers will be painted dark green.
 - The additional boundaries will be formed by 2.1m palisade fencing, also painted in dark green to match the containers, and an access gate 2.1m in height.
 - The parking area will provide 6 parking spaces.
- *Levels and groundworks* - due to the slope of the site both towards the river and railway to the west and the recreation ground to the southeast, some ground works are proposed to partially level the site and sink the containers into the ground slightly.
 - No groundworks are proposed along the boundary with the recreation field or the boundary with the river/railway at the rear of the site as these are the lowest points of the site.
 - The ground will be levelled away from these boundaries towards Unit 3 and Cadwell Lane.
 - The containers will be sunk into the levelled ground.
 - A retaining wall will be used but will not be visible.
- *Additional development* - 3 lighting poles are shown in the proposed plans. Details of the height, design or luminance has not been included.
 - A fob key operated security gate is proposed – this will open inwards.
 - CCTV is proposed – no detail provided.
 - An emergency telephone is proposed – no detail provided.
- *Operation* - The proposed use is a self-storage facility with individual units available for rent by members of the public. It is proposed that the units be accessible 24 hours a day 7 days a week.
 - There will be no staff on site. The units will be managed remotely from the applicant's office, close to the site.

Red Line Boundary and Land Ownership

4.2.3 Comments have been submitted raising concerns about the extent of the application red line and land ownership. This matter has been discussed with the applicant and the North Herts District Council estates team. The relevant land registry plans for the site and the recreation ground have been reviewed and the relevant application plans show the extent of the boundaries. All land within the application red line falls within the ownership of the applicant. The Local Planning Authority is satisfied that this issue has been satisfactorily addressed.

4.3 **Key Issues**

4.3.1 The key issues for the consideration of this application are:

- The principle of the development.
- The effect on the character and appearance of the area.
- Highways, access and parking.
- Impact on neighbouring amenity.
- Environmental and ecological effects.

- Other considerations.

The principle of the development

4.3.2 The application site falls within the designated employment area Wilbury Way HE1 on the Local Plan policies map. Policy ETC1 applies and states that within such areas:

“planning permission will be granted for office, research and development, industrial processes, industrial and storage and distribution uses provided:b) Any Use Class B8 development is easily accessible from the primary road network.”

4.3.3 The proposed B8 use is therefore acceptable in principle subject to sub clause b of the policy above. The site is located on Cadwell Lane which is an unclassified road but has access to the wider road network. This criterion is therefore met.

4.3.4 It is noted that concerns have been raised regarding traffic generation from the site and existing congestion in the area. This is addressed in the Highways, Access and Parking section below.

4.3.5 The proposal complies with Local Plan policies SP3 and ETC 1. The principle of the proposal is therefore acceptable.

The Effect on the Character and Appearance of the Area

4.3.6 Consideration needs to be given to the siting, design and layout of the proposal and its potential impact on the character and appearance of the area.

4.3.7 Section 12 of the NPPF places great emphasis on the quality and design of new development, with the aim to ensure that new development is sited appropriately and would be appropriate in terms of local character and context. These aims are reflected in Local Plan policies SP9 and D1.

4.3.8 The site is located within an existing, designated industrial/employment area, albeit on the edge of the designated area. The site forms part of the transition zone from the residential and recreational uses to the south, transitioning to the industrial uses to the north and east. It is particularly visible on the approach from the south along Cadwell Lane with clear views of the site across the open recreation ground.

4.3.9 The original proposal for the application was for 40, double stacked containers. Concerns were raised with the applicant regarding overdevelopment of the site and the visual impact of the scheme on the recreation ground and approach from the south. In response, the applicant has revised the scheme to 20 single height containers.

4.3.10 Overall, the siting, design and appearance of the proposal is acceptable. The development is sited appropriately in a designated industrial/employment area. It will have an industrial appearance but this is acceptable in a designated industrial area. Similar styles of security and palisade fencing are present opposite the site and on other premises nearby.

4.3.11 The main storage compound will set back from the road. The proposed parking at the front of the site is similar to the existing situation and maintains the more open feel of the site at the front closest to the road.

- 4.3.12 The height of the containers is modest and relates comfortably to the height of Unit 3 and surrounding units. This provides an acceptable transition between the openness of the recreation ground and the taller, bulkier industrial units beyond.
- 4.3.13 The 'sinking' of the units into the ground will help to reduce the overall visible height of the units when seen from Unit 3 and the road. The containers will also be staggered in height slightly away from Cadwell Road, following the natural gradient of the slope down towards the railway/river.
- 4.3.14 It is noted that the full height of the containers at 2.6m and the fencing at 2.1m will run along approximately two thirds of the boundary with the recreation ground. Whilst this will be more imposing than the existing situation, it is an acceptable boundary treatment, particularly for an industrial site. This will not have an unacceptably imposing feel for users of the recreation ground.
- 4.3.15 The units and fencing will be painted dark green to help reduce their visual impact and create a cohesive visual appearance.
- 4.3.16 Comments have been submitted regarding the need to screen the containers. The containers cannot be screened as they are sited right up to the boundary. It is noted that the hedge close to the boundary with the site along the edge of the recreation ground may in future provide screening as it matures. However, as the hedge lies beyond the red line of the application, this cannot be relied on to provide screening as it falls outside the control of the applicant. However, the visual impact without screening is acceptable at single storey height and in a designated industrial area.
- 4.3.17 Due to concerns about the long-term weathering of containers and their visual appearance over time, particularly in this transition site into the industrial estate, it is considered necessary and reasonable to impose a condition restricting the permission to a 5 year period. This will allow the Local Planning Authority to review the appearance of the proposal in 5 years and assess its ongoing visual appearance and impact on the character and appearance of the area.
- 4.3.18 In addition, whilst lighting poles are shown on the plans, no details of the height, design or luminance has been included. It is considered reasonable to condition further details of this to ensure no harm is caused to local amenity or wildlife.
- 4.3.19 Overall, the development relates adequately to the industrial character of the designated area and is acceptable in terms of design and appearance. The proposals comply with Section 12 of the NPPF, and Policies SP9 and D1 of the Local Plan.

Highways, Access and Parking.

- 4.3.20 Local Plan policies SP6, T1 and T2 state that planning permission will be granted provided that development would not lead to highway safety problems or cause unacceptable impacts upon the highway network and that proposals are assessed against the relevant parking standards.
- 4.3.21 Hertfordshire County Highways do not wish to restrict the grant of permission.

Trip Generation

- 4.3.22 Hertfordshire County Highways comment that as the site is intended to be used for long-term storage with 20 single containers, the proposal is unlikely to have an adverse effect on the highway. They also note that the site is located within a large industrial estate suited for a high number of vehicle trips.
- 4.3.23 A number of objections have been received regarding further congestion in the area arising from the proposal. The development will generate a number of new trips, using Cadwell Lane to access the site. However, as supported by the comments from County Highways, it is not considered that the storage facility will be a high trip generating use. On average, most users of the containers would visit the site infrequently and would be unlikely to visit on a daily basis. There could be a concentration of use during the initial occupation of the container and emptying of the facility. However, this in itself is likely to be an infrequent event and would not cause unacceptable harm.
- 4.3.24 The proposed use is in fact likely to generate fewer trips than other uses that could be sited within an industrial and employment area.

Layout of Compound

- 4.3.25 The proposed layout of the development is acceptable to Hertfordshire County Highways. They note that the containers will be positioned around the perimeter of the site leaving a 5.6m wide corridor through the centre of the site. This will be used as an access road and will leave ample space for passing vehicles while others are loading/unloading. There is also a large turning space close to the entrance which ensures that even larger vans will be able to leave the site in a forward gear.
- 4.3.26 The proposed access gate to the site will be set back over 13m from the highway and will open inwards. It will not obstruct access from the highway.
- 4.3.27 Concerns have been raised about an increase in larger vehicles and trucks accessing the site. The applicant states that given the small scale nature of the proposed storage units, larger vehicles will not be required or permitted to access the site. Therefore turning of larger vehicles has not been provided on site. It is not clear how the applicant proposes to monitor or restrict vehicle size accessing the site. However, concerns have not been raised by County Highways and therefore it is not considered that the lack of turning space for larger vehicles is sufficient to warrant refusal of the scheme.

Parking Standards

- 4.3.28 A parking area for six vehicles will be provided at the eastern end of the site. The council's SPG *Vehicle Parking at New Developments 2011* sets out the following parking requirements for B8 uses:
- 1 car parking space for every 75M2
 - 1 cycle space for every 500m2
 - 1 visitor space every 1000m2
- 4.3.29 The proposed facility will provide approximately 295m2 of floorspace, giving rise to a requirement for 4 parking spaces. This requirement is met on site. It is noted that the response from County Highways states that the provision is slightly low based on the

Local Planning Authority's parking standards. It is thought that this assessment refers to the initial scheme for 40 containers. The amended scheme meets the required parking standards. In addition, there is ample space within the storage facility for at least a few parked vehicles.

4.3.30 Although the Highway Authority and Local Planning Authority look to encourage the use of cycling as a sustainable form of transport, it is accepted that few customers are likely to deliver or collect items from storage on a bicycle. Customers could take their bicycles into the secure storage facility. Therefore secure cycle parking is not being sought.

4.3.31 The proposed parking is acceptable.

Existing Parking on Site

4.3.32 It is understood that the site is currently used for parking for employees of a neighbouring business. Objections have been submitted raising concerns about a legal right to park on the land and the negative impact on the neighbourhood of displacing this parking.

4.3.33 Any existing agreement to park cars at the site is a civil matter and not a material planning consideration. This does not therefore form part of the assessment of this proposal. Confirmation has been given by the applicant that the site is within the applicant's ownership and therefore the correct certificates have been served.

4.3.34 The current use of the site is not a formal car park. Therefore, whilst the current parking on the site may need to be relocated, this does not form part of the formal planning assessment for the site. Parking provision for existing neighbouring businesses should be met at those premises.

Existing Parking and Access at Unit 3

4.3.35 Hertfordshire County Highways has commented that the development will narrow the access road serving the area to the side of Unit 3 to 2.8m, making any parking in this location difficult. Although access may currently be gained to this area for parking, Part of the land does in fact fall within the ownership of the applicant and the current situation may be operating over land outside the ownership of Unit 3. The proposal to enclose the applicant's land and any restriction this may place on the exiting arrangement is acceptable.

4.3.36 Whilst the proposal may reduce parking opportunities at the side of Unit 3, there is adequate parking and turning space for the Unit in the front of the premises by Cadwell Lane. The site access is under the ownership of the applicant but it is understood that the right of access across this is to be maintained for Unit 3.

4.3.37 Overall therefore, the proposal meets the policy requirements of the NPPF, Local Plan policies SP6, T1 and T2 and the SPG.

Impact on neighbouring amenity.

4.3.38 Both the NPPF and the Local Plan Policy D3 seek to protect the amenity of neighbouring occupiers.

4.3.39 Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. The Council will consider whether there are mitigation measures that can be taken to mitigate any harm to an acceptable level.

Potential Impact on Neighbouring Residential Properties

4.3.40 The closest residential occupiers are approximately 80m to the south of the site on the opposite of Cadwell Lane in an apartment block set back from the road. Given the distance between the apartment block and the site, and the low intensity of the proposed use, it is considered that no unacceptable harm would be caused to the amenity of the occupiers of the apartments. Comments raised that residents in the area are already affected by noise and disturbance have been taken into consideration. However, the site falls within the industrial estate where noisy activities and HGV movement are part of the operations of the industrial estate.

4.3.41 It is noted however, that noise arising from the opening and closing of the steel containers and accessing the site could cause disturbance during the night. In order to mitigate against noise disturbance at night, it is considered reasonable and necessary to require the submission of a Noise Impact Assessment if the units are to be used during the hours of 10pm and 7am.

Potential Impact on the Occupiers of Unit 3

4.3.42 The site is bounded to the north by Unit 3. The unit has a number of windows and a door on the side elevation facing the site. The side elevation of the storage units will be set in excess of 9m from the side elevation of Unit 3 and no more than 2.3m in height. As such, the proposal would not appear unacceptably overbearing or dominating from the side facing windows. The outlook would be acceptable in a designated employment and industrial area. There would be no overlooking.

4.3.43 The change in use from the existing parking use to the proposed storage use may result in an increase in noise, activity and lighting on the site. However, this would be to a level that would be acceptable in an industrial location and would not cause unacceptable harm to the occupiers of Unit 3.

4.3.44 Concerns have been raised by the owner of Unit 3 and other neighbours/occupiers regarding privacy and security issues and a potential increase in crime, anti-social behaviour and loitering as a result of the proposal. With the reduction in height of the containers to single storey, the area to the side of Unit 3 will have a less enclosed feel. However, it is noted that the area will become more enclosed than the existing situation and hidden from view.

4.3.45 The applicant has specified that lighting and CCTV will be provided but no details have been provided. In order to address concerns regarding anti-social behaviour, loitering and crime, it is considered that CCTV and appropriate lighting would help to mitigate this. Details of the provision of these measures has been imposed by condition. Matters relevant to GDPR concerns raised by a resident would be considered once the details are received when discharging the condition.

4.3.46 Objections have also been raised regarding security aspects over items stored in containers. The items to be stored are not a material planning consideration and do not form part of the assessment of this application.

Potential Impact on Recreation Ground Users

4.3.47 Concerns have been raised about the poor visual impact of the containers along the boundary of the recreation ground and their overbearing presence and that this could diminish the enjoyment of the recreation area. Reference is made to the Cadwell Lane Playing Field GAP 2016 initiative.

4.3.48 As outlined above, whilst the containers and fencing will be more imposing than the existing situation, it is an acceptable boundary treatment, particularly for an industrial site. It is not considered that this would have an unacceptably imposing feel for users of the recreation ground.

4.3.49 Concerns regarding the safety of the fencing for wildlife and children is noted. However, the proposed fencing is an acceptable boundary treatment.

Environmental and Ecological Effects

Ecology, Wildlife and Biodiversity

4.3.50 Local Plan Policy NE4 states that planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations and features listed in elsewhere in the Plan. The policy continues that all development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible.

4.3.51 The existing site is partially covered in hard standing, compacted earth and gravel. The 'status of the asset' as noted in Policy NE4 is therefore of low value given the existing state and use of the site. The site has no protection in terms of ecological or biodiversity value.

4.3.52 The proposal will result in the loss of some vegetation as the site is cleared and developed. No replacement provision is proposed. The development is therefore in conflict with Local Plan Policy NE4 which requires net gains for biodiversity. However, mitigation measures can be provided and the policy notes that the acceptability of providing adequate mitigation measures should be commensurate with the value of the asset likely to be affected by the application.

4.3.53 It is considered that any loss would be minimal and acceptable. The site is not significant in terms of biodiversity value. Two areas of vegetation will remain at the site - the grassed triangular area the front of the site adjacent to Cadwell Lane and a rectangular area to the rear of the container compound, adjacent to the River Purwell and railway boundary. This area is currently overgrown with trees and scrubby vegetation.

4.3.54 In order to mitigate against the loss on the site, it is considered reasonable and necessary to condition the provision of landscaping details prior to commencement of

development. Landscaping details required are: a) to enhance the landscaping at the front of the site adjacent to Cadwell Lane to improve the visual impact to the entrance of the site and b) to protect and enhance the biodiversity of the overgrown area to the rear behind the container compound. With protection and management, this area could continue to provide an area of biodiversity for wildlife and ecology and maintain a link between the open recreation ground and the habitat adjacent to the river.

4.3.55 With additional planting and protection/management of the undeveloped green spaces at the site, it is considered that the conflict with Policy NE4 is acceptable, can be mitigated against and does not warrant refusal of the proposal.

4.3.56 Concerns raised about the impact of the proposed use and associated lighting on local wildlife including bats are noted. The design and luminance of the proposed lighting will be controlled by condition. These measures will help to mitigate against any potential harm caused. The site falls within the existing industrial area and the proposed level of activity and development is acceptable in this context.

4.3.57 The applicant has sought to minimise any impact on the adjacent trees and hedge by ensuring no substantial groundworks will take place along the boundary with the recreation ground and hedge adjacent to the recreation ground and southwest elevation. It is also proposed to have free flowing gravel under the containers to accommodate run off from the hard standing.

Potential Land Contamination

4.3.58 Concerns raised by a resident about potential land contamination have been noted. However, Environmental Health as a statutory consultee has been consulted and no concerns raised. The Local Planning Authority is therefore satisfied that no conditions are required to investigate this matter.

Other considerations

Waste and Refuse Collection

4.3.59 The applicant has not made any reference to details of waste disposal. However, there is adequate space within the site to accommodate bins and for collection.

Drainage

4.3.60 It is proposed that the site surface will be a hardstanding in concrete or crushed tarmac and have a camber so surface water will drain to the margins. The margins will be under the containers, which will be permeable. The drainage proposed is acceptable.

Safety

4.3.61 The safety and operating of the site is not a material planning consideration. However, the site will be unmanned but reduced to single storey with no mobile staircase as previously proposed. The applicant proposes to provide an emergency telephone and CCTV.

Objections Received

4.3.62 The proposal has raised a number of objections and the Local Planning Authority is sympathetic to local concern. It is considered that the objections raised have been addressed in the report above.

4.4 **Conclusion**

4.4.1 No objection. Grant conditional permission.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 The agent has agreed the pre-commencement condition regarding landscaping and biodiversity.

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 use hereby permitted is for a temporary period only and must cease on or before 5 years from the date of this consent.

Reason: To allow the Local Planning Authority to assess the weathering of the containers and their visual appearance over a 5 year period.

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 7.00am and 10.00pm. The facility may not be used between the hours of 10pm and 7am, unless a Noise Impact Assessment has been submitted to and agreed in writing by the Local Planning Authority.

Reason: The use is located nearby to residential properties. An assessment of noise impact on the residents of those properties is required prior to any night time use.

4. Prior to the first occupation of the containers, full details of the proposed lighting of the site including times of operation, luminance and appearance is to be submitted to and approved in writing by the Local Planning Authority and the approved details are to be implemented on site before the first use is implemented and is thereafter retained for the duration of this use.

Reason: To ensure the amenity of neighbouring occupiers is protected and that no unacceptable harm is caused to the local environment and wildlife.

5. Prior to the first occupation of the containers, full details of a CCTV system monitoring the site is to be submitted to and approved in writing by the Local Planning Authority and the approved details are to be implemented on site before the first use is implemented and is thereafter retained for the duration of this use.

Reason: To design out the potential for crime.

6. Prior to commencement of the development hereby approved, details of landscaping to protect and enhance the visual appearance of the site and its biodiversity shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To enhance the appearance of the entrance to the completed development and to protect and enhance the biodiversity of the site at the rear of the container compound.

7. The approved details of landscaping in Condition 6 shall be carried out before the end of the first planting season following either the first occupation of any of the containers 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, the visual amenity of the locality and the biodiversity of the site.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. AN) 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.

AN) 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.

AN) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

2. EV CHARGING POINT SPECIFICATION INFORMATIVE:

Each 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).

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed determination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o 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). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o 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.

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3. It is drawn to the attention of the applicant that the issue of planning consent does not override any legal constraints that may be present on the land.