

<u>Location:</u>	<b>Autoglym Works Road Letchworth Garden City Hertfordshire SG6 1LU</b>
<u>Applicant:</u>	<b>Autoglym</b>
<u>Proposal:</u>	<b>Extension to main warehouse/production building and reconfiguration of existing car parking areas following demolition of existing buildings</b>
<u>Ref. No:</u>	24/00497/FP
<u>Officer:</u>	<b>Melissa Tyler</b>

**Date of expiry of statutory period:** 6 June 2024

**Extension of statutory period:** 30 October 2024

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

**Reason for Referral to Committee**

Size of development – over 1000m<sup>2</sup>

## 1.0 Policies

### National Planning Policy Framework

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 14: Meeting the challenge of climate change, flooding and coastal change.

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

## 1.1 Supplementary Planning Document.

Vehicle Parking Provision at New Developments  
Design

## 1.2 **North Hertfordshire District Local Plan 2011-2031 Local Plan and Proposals Map**

### **Section 2 – Strategic Policies**

SP1: Sustainable development in North Hertfordshire

SP3: Employment

SP6: Sustainable Transport

SP7: Infrastructure requirements and developer contributions

SP9: Design and sustainability

SP11: Natural resources and sustainability

SP12: Green Infrastructure biodiversity landscape

SP13: Historic Environment

## 1.3 **Section 3 – Development Management Policies**

ETC1: Appropriate Uses in Employment Areas

T1: Transport Matters

T2: Parking

D1: Sustainable Design

D4: Air Quality

NE1: Landscape

NE4 Biodiversity and geological Sites

NE12: Renewable and low carbon energy development

HE4: Archaeology

## 2.0 **Site History**

2.1 None

## 3.0 **Representations**

### **Statutory Consultees**

#### 3.1 **North Herts Environmental Health – Noise**

*No objections subject to condition*

#### 3.2 **Hertfordshire Highways - INFORMATIVES**

*Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission*

#### 3.3 **Hertfordshire Historic Environment Team – Archaeology – No response received in time of writing this report.**

#### 3.4 **North Herts Ecology**

*Having read the submitted documents there would be no ecological objection to the proposal though I would seek some clarity over 6.4.2.1 in the planning statement which says 'In addition, an area of land to south of Works Road would be subject to a biodiversity and environmental enhancement scheme.*

*The proposal would therefore result in a significant biodiversity net gain.'. However the Biodiversity Impact Assessment does not refer to this piece of land, rather the 15% BNG to be delivered by the scheme is solely reliant on landscaping works to the application site alone.*

*It is felt that this scheme would be in accordance with the mandatory requirement to deliver 10% BNG. As such, should the application be approved, the following condition wording is advised.*

- 3.5 **Network Rail** - Network Rail has no objection in principle to the development – Conditions and informatives recommended

### **Neighbour Representations**

- 3.6 No representations received from local residents

### **4.0 Planning Considerations**

#### **4.1 Site and Surroundings**

- 4.1.1 The application site is located towards the eastern end of Works Road and on the north-eastern edge of Letchworth within the Employment Area as defined by the Local Plan.

- 4.1.2 The application site is covered by buildings and provides the headquarters of Autoglym. A two storey office building is located towards the front of the site, behind a landscaping strip. Behind this is an existing warehouse used for production purposes.

#### **4.2 Proposal**

- 4.2.1 This application seeks full permission for the erection of a new warehouse and production building. The extension would have a ridge height of 14.6 metres.

Access to the site is to be retained. Onsite car parking would be increased from 12 spaces to 28 and secure cycle storage would be provided. In addition, EV charging points have been demonstrated.

Materials consist of profile cladding above a brick base.

#### **4.3 Key Issues**

- 4.3.1 The key issues will be considered under the following headings:

- Principle of development
- Layout, design and visual impact on the locality
- Impact on neighbouring properties
- Highways, transport, parking and servicing
- Environmental Protection matters
- Ecology
- Archaeology
- Sustainable development
- Planning balance

### **Principle of development**

- 4.3.2 The site lies within an Allocated Employment Area as defined by the Local Plan Policies Map. Local Plan Policy SP3 states that the Council will proactively encourage sustainable economic growth and will support both new and existing businesses. Local Plan Policy ETC1 has a presumption in favour of granting planning permission for appropriate uses within the allocated Employment Areas. The supporting text at paragraph 5.3 advises: "The Council does not wish to inhibit the ability of existing firms to expand. It will be supportive of the redevelopment of sites which would lead to an improvement in the quality of employment floorspace suited to modern day needs." The NPPF, paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. Therefore, in conclusion of this matter, the proposed development of the site is considered acceptable in principle.

### **Layout and design and visual impact on the locality**

- 4.3.3 The Applicant has reduced the proposed height of the proposal from 16.3 metres to 14.6 metres at the request of officers, to reduce the impact of the development, which would have appeared overly tall within its context. The originally proposed height would have been one of the tallest buildings in the Employment area. Whilst planning permission was granted for a 15m high building on for Aztec Logistics on Works Road in 2014 (14/01634/1) with limited setback from the front of the site, this is similar in height to the amended proposal.
- 4.3.4 The site currently consists of both brick and metal cladding. The new warehouse would continue this theme with profile cladding above a brick base. The building would have a flat roof, which is a common feature both on the site and within the wider area. It would be set back from Works Road limiting its visual impact on the street scene. It would also have no impact on any residential properties due to the significant separating distances and intervening employment buildings.
- 4.3.5 The proposed building would be of a size, design, appearance and external materials similar to other industrial units on Works Road. Following the reduced height, it would be of a size and a modern contemporary appearance which is considered appropriate to the development of the wider site for employment/industrial purposes, and in the context of existing nearby development in the industrial/employment area.

### **Impact on neighbouring properties**

- 4.3.6 The application site is near to other industrial/employment buildings and is not close to any dwellings. Therefore, the proposed development of the site and the characteristics of its use will not result in any loss of residential amenity to nearby properties.

### **Highways, transport, parking and servicing**

- 4.3.7 The Highways Authority have raised no objections to the application and have recommended the conditions set out below.

- 4.3.8 The application site is located along Works Road and can be accessed via existing access off Works Road. The application form confirms that a new access is not proposed from the public highway. The proposal includes the provision of additional car parking to meet the additional demands within the application site. In summary, the Highway Authority considers that the proposal would not have severe impacts and would be contrary to the local and national policies (such as LTP4, para 115 of the NPPF-2023). The Highway Authority therefore do not want to raise objection to the application.

#### **Environmental Protection matters**

- 4.3.9 The Environmental Health Officer (Noise and other nuisances) was consulted on the application and confirmed that due to the location of the proposed development and the absence of any nearby residential dwellings they have no objections to the application.

#### **Ecology**

- 4.3.10 Our inhouse Ecologist was consulted on the application. They concluded that this scheme would be in accordance with the mandatory requirement to deliver 10% BNG. As such, should the application be approved, the a condition wording is advised.

#### **Archaeology**

- 4.3.11 The Historic Environment Advisor, Hertfordshire County Council were consulted on the application. However, a response was not made in time of writing this report. Given the location and potential archaeology impact I have recommended standard Archaeology conditions similar to those imposed on other applications of similar development. The applicant has accepted these conditions.

#### **Planning obligations**

- 4.3.12 The proposal is major development by virtue of a floor area of over 1000 m<sup>2</sup>; and is considered eligible for Section 106 legal contributions. Hertfordshire County Council as Highway Authority have not sought any contributions towards sustainable transport. It has been set out above that the Council does not consider a Travel Plan/Statement by S106 necessary, as it can be required by condition. It is not therefore considered that the application does not require planning obligations.

#### **Sustainable development**

- 4.3.13 The proposal would not result in harm to the character of the locality and is consistent with the LPA's objective of developing the wider area for employment. The proposal would provide economic benefits to the locality through the provision of additional employment, the application form indicates that the number of full-time employees would increase from 100 to 120. It is considered that the proposal complies with the objectives of ETC1 of the Local Plan.

4.3.14 In taking into account all material considerations, the proposal would provide benefits and is not considered harmful. Given that no other harms would result, the proposal is considered sustainable development and would not conflict with the NPPF and local policies.

#### **Planning balance**

4.3.15 Considering the economic benefits of this proposed development and whilst accepting the proposal would have a visual impact in the locality, on balance, I consider that proposal is acceptable in terms of design and layout. The building would not offend the outlook from within residential properties, it would have an impact within the public realm, but within the context of an industrial area which has a variety of different buildings and certainly no uniform scale and layout of buildings.

4.3.16 On balance, it is considered that the scheme would accord with policies within the Local Plan and therefore that planning permission should be granted.

#### **4.4 Conclusion**

4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission should be granted, subject to conditions.

#### **4.5 Alternative Options**

None applicable

#### **4.6 Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

#### **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. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Herts Council. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

- 2. 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.

- 3. 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.

- 4. Details of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced 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 and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

- 5. Before the occupation of any part of the floorspace hereby permitted, the parking and loading/unloading facilities and cycle parking shown on the approved plan shall be marked out and made available and shall thereafter be kept available solely for parking in connection with the premises.

Reason: To ensure the provision of satisfactory vehicle and cycle parking and loading/unloading facilities clear of the public highway to meet the needs of the development and in accordance with Policy T2 of the North Hertfordshire Local Plan 2011-2031.

### **Environmental Health**

- 6. Prior to the commencement of any demolition and subsequent construction development, a detailed management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The demolition programme and phasing
- b) Hours of operation, delivery and storage of construction materials

- c) Control of dust relating to demolition, groundworks and subsequent construction
- d) Details of consultation and complaint management with local businesses and neighbours during demolition, groundworks and construction phase
- e) Management of associated waste generated during demolition and construction process
- f) Mechanisms to deal with environmental impacts such as noise, air quality and artificial light used and arising from demolition, groundworks and associated construction methods.

Reason: To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

7. Prior to the first occupation of the development hereby permitted, provision shall be made for 5% of the car parking spaces to have active provision for EV charging and a further 5% of the car parking spaces to have passive provision for EV charging.

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

### **Network Rail**

8. A Construction Methodology Statement shall be submitted to and approved in writing by the Local Planning Authority should it not possible to satisfy Network Rail's requirements recommended in the attached informatives and the construction of the development shall be carried out in accordance with the approved Construction Method Statement.

Reason: The safety, operational needs and integrity of the railway.

### **Archaeology**

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

Reason: To safeguard the archaeological record and in accordance with Policy HE4 of the North Hertfordshire Local Plan 2011-2031



10. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 10.

Reason: To safeguard the archaeological record and in accordance with Policy HE4 of the North Hertfordshire Local Plan 2011-2031

11. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record and in accordance with Policy HE4 of the North Hertfordshire Local Plan 2011-2031

12. Prior to the commencement of development, a scheme of measures relating to energy efficiency and renewable energy generation in the development are to be submitted to and agreed in writing by the LPA and such measures are to be incorporated in the development prior to the first use hereby approved and thereafter retained.

Reason: To ensure that the development is energy efficient and minimises energy use and in accordance with Policy D1 of the North Hertfordshire Local Plan 2011-2031

### **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

### **Informatives**

Network Rail Standard Informatives

Please note, not all of these requirements may be applicable to this development

#### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 4.0m of the railway boundary.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

### **Excavations/Earthworks/Underground Workings**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Asset Protection.

Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may be affecting underground workings next to the railway, consultation with the Asset Protection Engineer and the Network Rail Principal Mining Engineer should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Interface Manager.

### **Demolition**

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Interface Manager before the development can commence.

### **Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works. Where the works have the potential to introduce ground movements, Network Rail may require the monitoring of track and other assets, the works shall only be carried out in accordance with the approved method statement and design.

## **Scaffolding**

Any scaffold which is to be constructed within 10 metres of the railway boundary fence and has the potential to collapse within 4 meters of the Network Rail boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Approval of the method statement and design must be obtained from Network Rail's Asset Protection Engineer.

## **Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Interface Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

## **Abnormal Loads**

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Interface Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

## **Two Metre Boundary**

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

## **ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land.

Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### **Access to the Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

### **Highway Informative**

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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.

## **Informative/s:**

### **EV Charging Point Specification:**

A 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). 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).
- 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.
- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
- UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.