

24 November 2023

Our Ref Planning Control Committee 7 December  
2023  
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To: Members of the Committee: Councillors Val Bryant (Chair), Tom Tyson (Vice-Chair), Daniel Allen, Simon Bloxham, Mick Debenham, David Levett, Nigel Mason, Ian Moody, Sean Nolan, Louise Peace, Terry Tyler and Phil Weeder.

Substitutes: Councillors David Barnard, Cathy Brownjohn, Sam Collins, Steve Jarvis, Ian Mantle, Michael Muir and Dave Winstanley.

**NOTICE IS HEREBY GIVEN OF A  
MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY**

On

**THURSDAY, 7TH DECEMBER, 2023 AT 7.30 PM**

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

**\*\*MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING\*\***

## **Agenda**

### **Part I**

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b> Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2.</b>	<b>NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.  The Chair will decide whether any item(s) raised will be considered.	
<b>3.</b>	<b>CHAIR'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
<b>4.</b>	<b>PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>5.</b>	<b>23/01189/FP LAND AT, DURHAM WAY, ROYSTON GATEWAY, ROYSTON, HERTFORDSHIRE, SG8 5GX</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER  Erection of one Class E (g (ii) and (iii)), B2 and B8 unit with associated service yard, car parking, landscaping and ancillary works.	(Pages 5 - 24)
<b>6.</b>	<b>23/01190/FP LAND FOR UNITS 5-13, DURHAM WAY, ROYSTON GATEWAY, ROYSTON, HERTFORDSHIRE, SG8 5GX</b> REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	(Pages 25 - 46)

Erection of nine Class E (g (ii) and (iii)), B2 and B8 unit with associated service yards, car parking, landscaping and ancillary works

7.

**PLANNING APPEALS**

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER.

(Pages  
47 - 48)

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<u>Location:</u>	<b>Land At Durham Way Royston Gateway Royston Hertfordshire SG8 5GX</b>
<u>Applicant:</u>	<b>Kiafield Properties Ltd</b>
<u>Proposal:</u>	<b>Erection of one Class E (g (ii) and (iii)), B2 and B8 unit with associated service yard, car parking, landscaping and ancillary works.</b>
<u>Ref. No:</u>	<b>23/01189/FP</b>
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:** 22.08.2023

### **Reason for delay**

Committee timetable and delays waiting for statutory consultee responses. An extension of time to the statutory determination date has been sought and agreed.

### **Reason for referral to committee**

This application has to be presented to PCC in accordance with the Constitution due to the size of the application in terms of site area and the amount of new floorspace proposed.

### **Plan numbers**

1. 2349-A11-X01-C Site A Location plan;
2. 2349-A11-P02-E Site A Proposed block plan;
3. 2349-A11-P01-H Site A Proposed site plan;
4. 2349-A11-X02-D Site A Existing site plan;
5. 2349-A11-P05-B Unit 4 Proposed floor plans; elevations;
6. 2349-A11-P11 Site A Proposed site sections;
7. 2349-A11-P10-C Unit 4 Proposed elevations;
8. J230148-GC-L-DR-4-00 Unit 4 Soft Landscape Proposals Plan.

### **Supporting documents**

1. Design and Access Statement;
2. Planning Statement;
3. Travel Plan;
4. Preliminary Risk Assessment Parts 1, 2, 3 and 4.
5. Transport Assessment Part 1, 2 and 3.
6. Flood Risk Assessment and Drainage Strategy

## 1.0 Policies

### 1.1 National Planning Policy Framework February 2019:

1.2 In general and with regard to:

Section 2 – Achieving sustainable development;  
Section 4 – Decision-making;  
Section 6 – Building a strong, competitive economy;  
Section 11 – Making effective use of land;  
Section 12 – Achieving well-designed places;

### North Hertfordshire District Local Plan 2011-2031

SP1 - Sustainable development in North Hertfordshire;  
SP3 – Employment;  
SP9 - Design and Sustainability;  
SP6 – Sustainable transport;  
SP7 – Infrastructure requirements and developer contributions ??  
SP9 -Design and Sustainability;  
ETC1 – Appropriate uses in Employment Areas;  
T1 – Assessment of transport matters  
T2 – Parking;  
D1 - Sustainable design;  
D4 - Air quality;  
NE1 - Landscape;  
NE4 – Biodiversity and geological sites  
NE7 - Reducing flood risk;  
NE8 - Sustainable drainage systems;  
HE4 – Archaeology;  
RY9 – Land north of York Way.

### Supplementary Planning Document.

SPD – Vehicle Parking at New Developments;  
SPD – Planning Obligations;.

## 2.0 Site History

2.1 There is no previous planning history for this site, other than it is part of the land within the RY9 allocation area, which is land north of York Way allocated for new employment development.

2.2 Also for consideration on this same agenda for Planning Control Committee is application 23/01190/FP, which is on land opposite this application site. This is for 9 employment buildings to match the style and design of this application so the buildings appear as a comprehensive group.

## 3.0 Representations

3.1 **NHDC Environmental Protection Officer** – no objection subject to a land contamination condition.

3.2 **NHDC Planning Policy** – the proposal is considered to comply with the relevant Local Plan policy criteria.

- 3.3 **NHDC Environmental Health (Air)** – no objection subject to conditions requiring EV parking and a travel plan.
- 3.4 **NHDC Environmental Health (Noise)** – no objection.
- 3.5 **HCC Highways** – no objection subject to conditions, informatives and a S278 payment of £5,000.00 with condition 7 recommended or £25, 472.00 without condition 7 recommended, to be allocated to package PK15 Royston of the North Central Growth and Transport Plan. And a S106 payment of £6000 for Full Travel Plan implementation and monitoring for five years (£1200 per year).
- 3.6 **HCC Waste** – on application 23/01190/FP this team responds no objection subject to a condition requiring a Site Waste Management Plan (SWMP). Given this is one proposal across two sites it is considered appropriate to impose a SWMP on this proposal as well.
- 3.7 **HCC LLFA** – no objection subject to conditions.
- 3.8 **Health and Safety Executive** – do not advise against.
- 3.9 **Anglian Water** – recommend informatives.
- 3.10 **Royston Town Council** – no objection. Wish to see at least 10% of the parking provision as EV.
- 3.11 The application has been advertised with site and press notices. No third parties replies have been received.

#### 4.0 **Planning Considerations**

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

- 4.1.1 The application site is 0.68 ha in size and is a vacant plot on south-east side of Durham Way, on a corner plot position with Durham Way and Greenfield. The plot is within the new Royston Gateway employment area, where there are new employment buildings on adjoining and nearby sites.

##### 4.2 **Proposal**

- 4.2.1 This is a full application for the erection of one building to be used in flexible employment land uses, either Use Class E (g(ii) and (iii)), B2 or B8 with associated yard, parking and landscaping area. Use Class E (g ii) is the research and development of products, and (g iii) is any industrial process, being a use, which can be carried out in any residential area without detriment to amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash dust or grit. Use Class B2 is general industrial uses and Use Class B8 is storage and distribution use.
- 4.2.2 The proposed building is 75m long by 42m wide, 11.7m to the eaves and 14m to the ridge. The external elevations would be metal clad in grey, with a blue detail on the front elevation. There would be sections of glazing within the blue area as the floorplan shows an office area on an internal mezzanine at the front of the building and an open warehouse area at the ground floor, with three roller shutter doors for access on the south elevation.
- 4.2.3 The layout plan shows 44 car parking spaces (including two disabled and three active and two passive EV), cycle parking for 18 cycles and a large yard area with a further six

parking spaces within the yard. The yard has a 2.4m high mesh fence for security with a knee rail fence around the rest of the site with the road frontage. A landscaping area along the two road frontages is proposed, comprising a mix of trees and shrub planting.

- 4.2.4 As listed above, documents have been submitted in support of the application. These can be viewed in full on the Council's website. Key points include:

Planning Statement:

1. The site is part of the part of the Royston Gateway development area, permitted under Policy SP3 of the Local Plan.
2. A number of units have already been consented at Royston Gateway including: Aldi, Costa Coffee, M&S Food as well as the recently constructed industrial units to the north which are nearing completion.
3. The site is approximately 0.68 hectares and relatively square in shape and does not have any landscape features on it.
4. The necessary infrastructure, including highways, has been implemented in previous phases of the development and the vehicular access roads and public paths are in place.
5. There are no Public Rights of Way within the application boundary.
6. The site is in Flood zone 1.
7. There are no listed buildings on or neighbouring the site and the nearest Scheduled Monument is Therfield Heath Monument which is 1.5 km away. Therfield Heath SSS1 is 500m to the south of the application site.
8. There will be no adverse impact on the road network and the unit will benefit from the Framework Travel Plan, which sets out an overview of the Travel Plan inputs that will be incorporated by the occupier of the unit as part of their requirements to produce a site-specific Travel Plan Statement.
9. The proposed layout seeks to create a positive development in this area while ensuring that the land is used efficiently and safely.
10. In terms of appearance, the design seeks to be in keeping with the surrounding buildings while ensuring a durable and low-maintenance building to ensure the long-term high-quality appearance of the development.
11. The application includes a number of passive measures which aim to make the building as efficient as possible. These include: • 100% electric • Enhanced Biodiversity including new habitats for pollinators • Photovoltaic array on the main roof • Van and car EV charging points • Smart metering • Light sensor control • Energy efficient LED light fittings.
12. Although the end user is not currently identified, use classes E (g (ii) and (iii)), B2 and B8 are all considered appropriate in an employment area and therefore the scheme is in accordance with policy ETC1 'Appropriate uses in Employment Areas'.

### **4.3 Key Issues**

Principle

- 4.3.1 Local Plan Policy SP3 sets out that the Council will proactively encourage the sustainable economic growth of the District and will support new and existing businesses. To achieve this the policy states that an adequate supply of employment land to meet the needs of the 'Functional Economic Market Area' over the plan period will be allocated, with two new employment areas created. These are east of Baldock and west of Royston. The area west of Royston is now known as the 'Royston Gateway' and this application site is within this area. Therefore, there is no objection to the principle of this employment land development on this site in this location.

- 4.3.2 Site specific Policy RY9 in the Local Plan states the following considerations:



- *Site is within Health and Safety Executive (HSE) Consultation Zone;*
- *Site should deliver a new access to the Orchard Road employment area from the A505;*
- *Address existing surface water flood risk issues, including any run-off, through SUDs or other appropriate solution;*
- *Sensitive design / layout considering views to and from the Scheduled Ancient Monuments located on Therfield Heath;*  
and
- *Compensatory or offsetting measures for loss of existing grassland habitat.*

#### 4.3.3 In response to these considerations:

- The Health and Safety Executive has been consulted and does not advise against this proposal.
- The new access from Orchard Road has already been delivered as part of the earlier phases of the development of this employment land area.
- The site is within Flood Zone 1. A drainage strategy for the site has been developed and the LLFA have responded with 'no objection subject to conditions' which are recommended.
- There is no objection to the proposed layout, which is discussed in more detail below.
- Impact on the setting of Therfield Heath and its Scheduled Monument are discussed below but conclude no harm or impact.
- This site has a rough, surface with no special grassland areas to be affected. Therefore, this criterion is not applicable to this site.

#### 4.3.4 I therefore conclude there is no objection to the principle of this proposal and that application complies with the broad development aims of Policy RY9.

#### Use

#### 4.3.5 In terms of the proposed use, the application is for a flexible permission, seeking a permission for the building to be used for E(g)(ii) and (iii), B2 and B8 uses. The Use Classes Order sets out these are:

- E(g)(ii) – the research and development of products or processes;
- E(g)(iii) – any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;
- B2 – General Industrial – use for the carrying out of an industrial process other than one falling within the uses described in Class E;
- B8 – Storage and Distribution – use for storage or as a distribution centre.

#### 4.3.6 Given this is a new employment land area, with neighbouring sites being in similar uses and no residential properties in close proximity, there is no objection to these proposed uses nor to a flexible permission which is in accordance with the aims of Policy ETC1. As Use Class E also includes retail use, a condition is recommended preventing the change of use of the building to other E class uses without planning permission first being obtained. This is in order to assess the impacts of retail use, which may be different from the proposed development.

#### Layout and design

#### 4.3.7 Local Plan Policies SP9 and D1, seek to achieve good design and state that the LPA will support new development where it is well designed and responds positively to its local context. This proposal would comply with this aspiration on the basis that in size and

design terms it is reflective of, and will match, existing and proposed development on neighbouring sites resulting in a coherent context of development and positive place making. Siting the building in the rear part of the site, backing on to neighbouring buildings is sensible, with the open parking and landscaping areas at the front. It is acknowledged that the proposed building matches in with the newer development on the Royston Gateway site in terms of bulk and height, and the building is larger in terms of height, than the neighbouring buildings on Greenfield. However, I consider that this would be contextually appropriate and would not harm the setting of Greenfield which comprises employment type buildings. Therefore, whilst the top section of this proposed building may be apparent above the roof of the existing units on Greenfield, the form and external materials will be comparable. Therefore, it is considered that the proposal would not cause adverse visual harm in the locality. On this basis, there are no objections to the layout or design of the proposal.

### Sustainability

- 4.3.8 The Local Plan seeks to achieve sustainable development. The NPPF confirms there are three threads of sustainability, these are: social, environmental and economic. These aspirations are supported by the design principles in Local Plan Policy SP9. As set out above, the building would include several measures to help achieve long term environmental sustainability including the use of EV parking chargers, photovoltaics on the roof, light sensors and low energy light fittings. With regards to an economic role, the build phase of the building will be a local boost to the economy and the long-term function of the building would provide employment accommodation and local job opportunities. Social benefits also arise from employment. As a result, there is no objection to the application on the basis of sustainability.

### Parking

- 4.3.9 Policy T2 requires compliance with the SPD Vehicle Parking at New Developments, which sets out a recommended parking allocation per use class. For this application if the whole floorspace were to be in B8 use, a total of 48 car parking and 11 cycle parking spaces would be required. If the building were to be in mixed B1, B2 or B8 uses then 91 car parking spaces, and 11 cycle spaces would be needed. Finally, if the building were to be solely in general industrial use, then 72 car parking spaces and 22 cycle parking spaces would be needed.
- 4.3.10 The application has 44 car parking and 18 cycle parking spaces. The SPD allows for a reduction in the car parking spaces provided based on the accessibility of the site. For this location this can be between a 25% - 50% reduction. On this basis, no objection is raised to the proposed number of car parking spaces, especially as at this time the end user of the building is not known. Furthermore, any user of the building will need to implement a Travel Plan to encourage staff to car share, walk, cycle or use public transport to/from work. No objection is raised to the application on the basis of car parking.
- 4.3.11 The proposed development would not have an adverse impact to the road network or result in adverse trip / traffic generation and the application is considered to comply with the aims of Policy T2.

### Highways considerations

- 4.3.12 Local Plan Policy T1 requires that new development does not result in highway safety problems or causes unacceptable impacts on the road network. This policy allows for mechanisms to secure any necessary sustainable transport measures associated with the development. The Highway Officer confirms that the Highways Authority (HA)

supports approval of the application subject to (and along the application 23/01190/FP), seeking to deliver a LTN1/20 sustainable transport corridor from the site to the Roscombe cul-de-sac with the exception of the rail underpass. Therefore, from this it can be concluded that the application presents no adverse road / traffic safety issues in its own right.

4.3.13 Turning to the issue of the proposed conditions, the HA is recommending 8 conditions. Conditions 1-6 and 8 are recommended on the decision. Condition 7 states:

*7) Rights of Way/ Sustainable Access Corridor*

*A) Design Approval Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan to establish a LTN 1/20 compliant Sustainable Access Corridor along the route of the Proposed of-site and on-site Rights of Way Royston 005 between the site and the residential cul-de-sac Rosecombe has been submitted to and approved in writing by the Local Planning Authority.*

*B) Implementation / Construction*

*Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.*

*Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).*

4.3.14 Further text in the HA's response states:

*Sustainable Access*

*In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.*

*The site benefits from a reasonable quality pedestrian infrastructure within the existing industrial area (as identified by the applicant's Pedestrian & Cycle Audit (Appendix D of the accompanying Transport Assessment, TA) and a bus stop within 5 minutes walk (Durham Way Retail Park). The frequency of bus services to the Durham Way Retail Park is also considered good.*

*Cycle access to the commercial area is considered poor however, with cycle access being on road, via several cyclist unfriendly roundabouts and indirect. The P&C Audit however, identifies an existing circa 3.5-4m wide farm track adjacent to the western border of the proposal site. The farm track is the subject of a Public Right of Way (PROW) Creation Order (NH/308/CRE), PROW 5. With the exception of the narrow but short rail line underpass it is considered that the applicant can upgrade the track from the residential cul-de-sac Rosecombe to the site to LTN 1/20 standard to establish a policy compliant cycle access to the site. Ideally the rail underpass would be upgraded to, this however is not considered viable relative to the scale of the proposed development but it should be pursued if further development comes forward. There is also £800,000 of S106 contributions attached to the planning permission (16/00378/1) for the upgrade of PROW 17 where it crosses the rail line PROW 17 is subject to a Diversion Order (NH/308/DIV) to utilise the underpass and the contribution should be used here.*

### *Contributions*

*HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2).*

*Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.*

*In the first instance HCC would envisage that any agreed improvements required to unlock the proposal site sustainably and travel plan contributions are delivered via a Strand 1 s106 agreement.*

*In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).*

*This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second strand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.*

*A review of the TRICS database (considering sites within England and Wales surveyed in the last 5 years pre covid) suggested that a development of this nature could create approximately 61 jobs which generates a headline contribution of £25,742. However, as discussed in the pre application response if the accessibility audit identifies appropriate measures for the developer to deliver through a S278 agreement that not only directly mitigate the local impact of the development but its and other developments wider cumulative impact this figure would be adjusted. The audit has identified the opportunity to establish the policy required active travel corridor to the site along the proposed PROW 5 which will unlock this site sustainably. Therefore, it is considered appropriate to reduce the required contribution to £5,000; which would be allocated to projects contained within the emerging North Central Growth and Transport Plan; in particular package PK15 Royston.*

4.3.15 Condition 7 has been the subject of significant discussion during the progression of both this and application 23/01190/FP. The applicant is refusing to accept condition 7 on the basis that:

1. In their view it is not lawful to impose a condition on the planning application that requires for S278 works as the legislation supporting S278 works is outside of the remit of planning.
2. It is not lawful to impose a condition on the planning application which is seeking to deliver works outside of the red line application site area. The area of land is in the ownership of third parties, outside the control of the applicant.
3. The wording of condition 7, as set out above, places an embargo on the development until the sustainable transport route is sorted out. However, the means to achieve the deliverability of the sustainable transport route is not within the applicant's control thus making the wording of the condition unreasonable.
4. There is already an established footpath in this location. The HCC is seeking to upgrade this to a cycleway. HCC are the authority to have the powers to serve the

relevant notices requiring the compulsory purchase of land if needed to achieve the necessary width to achieve the cycleway.

- 4.3.16 For these reasons, the agent sets out that condition 7 is unreasonable and fails the required 'tests', as set out in paragraph 56 of the NPPF which requires for conditions to be: - necessary; - relevant to planning; - relevant to the development permitted; - enforceable; - precise and reasonable in all other respects. The applicant is not averse to the aspirations of what condition 7 is aiming to achieve but does not consider that this condition is a suitable way to achieve it. They have no objection to providing a sustainable transport S106 contribution, helping to secure and fund the delivery of the sustainable transport link, allowing HCC to be the lead authority on this. The application is therefore recommended on this basis of the higher amount of £25,742.00 to be paid via a Unilateral Undertaking under the provisions of a S106 and condition 7 is not recommended. On this basis there is no objection to the application for highways reasons.

#### Landscaping and wildlife / bio-diversity

- 4.3.17 Local Plan Policy NE4 seeks to ensure a net gain in bio-diversity on all sites whilst Policy NE2 requires for landscaping to be a consideration. The application site is currently a rough section of open land and is not considered to represent a good level of bio-diversity in its current form. Drawing number J230148-GC-L-DR-4-002 sets out the landscaping proposals, which shows 13 trees to be planted along with shrubs. A condition is recommended to ensure the landscaping is implemented on site along with a further condition requiring for bird, bee and insect habitats. Together these measures will result in an improvement in on site bio-diversity opportunities and no objection is raised to the application on this basis. Furthermore, the introduction of trees and shrubs along the outside edge of the car parking is both in keeping with neighbouring sites and will result in an attractive soft landscaping setting to the development. No objection is lodged against the application on the basis of either Policies NE2 or NE4.

#### Flood risk and drainage

- 4.3.18 Local Plan Policies NE7 - Reducing Flood Risk, and NE8 – Sustainable Drainage Systems, both seek to ensure that new developments will not be, or cause, local flooding. The submitted Flood Risk Assessment with this application notes that the site is in Flood Zone 1, which is a low flood risk. A drainage strategy has been submitted as part of this proposal and the LLFA has commented no objection subject to the imposition of conditions, which are recommended. Therefore, there are no outstanding issues regarding flood risk or drainage for this proposal.

#### Impact on Therfield Heath and heritage considerations

- 4.3.19 Local Plan Policy HE1 and HE4 seeks to ensure consideration and protection of heritage and archaeological assets. There are no listed buildings within close proximity of the application site. The SSSI Therfield Heath and its Scheduled Monument are located to the south. The Schedule Monument are some Long Barrows, believed to date from the Early Bronze Age and Early Iron Age due to pottery and an iron spearhead that have been found there. However, these barrows are no longer visible at ground level, as they have become buried over the years but survive as buried features. The Royston Gateway area lies north of the railway line, north of the new development at Ivy Farm. As a result, these new buildings are considered to be sufficiently far away from Therfield Heath to have a nil impact on the setting of the location of the Long Barrows.
- 4.3.20 It is noted that from the high ground at Therfield Heath there are clear views out over the town, and the new development will be visible in long range views from these vantage

points. However, no objection is raised to the fact that the new buildings will be seen, as the area, being an allocated employment area, will become part of the overall townscape and will not appear as isolated buildings nor harmful in views from Therfield Heath, in their own right. Therefore, no objection is raised against the proposal on the basis of heritage or landscape setting considerations and the application is considered to be in accordance with aims of Policies HE1 and NE2.

#### **4.4 Conclusion**

4.4.1 This is a full application seeking permission for a new employment land building within the designated Royston Gateway employment land area. The building is considered to be of acceptable layout, scale and design and have sufficient parking for its needs. As a result the application is considered to comply with the necessary criteria of Local Plan Policies SP3, RY9, SP9, D1, NE2, NE4, NE7 and NE8 and is recommended for conditional permission.

#### **4.5 Alternative Options**

4.5.1 None applicable

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

4.6.1 I can confirm that the applicant agrees to 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 resolved to be **GRANTED** subject to:

A) – the completion of a S106 Unilateral Undertaking or S106 Agreement for the sustainable transport contribution with the applicant agreeing an extension of time to the statutory determination date to allow for this to occur; and

B) – the conditions and informatives set out below.

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

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

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

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

3. Details and/or samples 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.

4. Prior to the first occupation of the building hereby approved, the hard landscaping details, as set out on drawing number 2349-A11-P01-H are to be implemented on site, unless otherwise agreed with the LPA, and thereafter retained.

Reason - to ensure the external visual attractiveness of the development, in accordance with the design aims of Policy D1.

5. In the first planting season following the construction of the building hereby approved, the soft landscaping scheme as detailed on drawing number J230148-GC-L-DR-4-002 is to be implemented on site and thereafter retained.

Reason - to ensure the external visual attractiveness of the development and to enhance on site bio-diversity, in accordance with the aims of Policies D1, NE2 and NE4.

6. Prior to the first use of the building hereby approved, details of a scheme for the provision for bird / bee / insect habitats on site is to be submitted to, and approved in writing by, the LPA and the measures approved are to be provided on site in full and thereafter retained.

Reason - to enhance on site bio-diversity, in accordance with the aims of Policy NE4.

7. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a surface water construction method statement shall be submitted and agreed in writing by the local planning authority. The construction drawings will update the detailed design to use the appropriate safety factor on infiltration structures based on Table 25.2 of The SuDS Manual (2015). The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (GWD Consulting Engineers, dated 13 July 2023 ref: P67/03 (v2.0)) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council.

9. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been

submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

10. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to CONDITION 1 [above]. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts Council.

11. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
  - i) Roads, footways.
  - ii) Cycleways.
  - iii) Foul and surface water drainage.
  - iv) Visibility splays
  - v) Access arrangements
  - vi) Parking provision in accordance with adopted standard.
  - vii) Loading areas.
  - viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Prior to the first occupation / use of the development hereby permitted the vehicular accesses shall be completed and thereafter retained as shown on drawing number (B871-PL-SK209 P03) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

13. Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.



Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Prior to the first occupation / use of the development hereby permitted, provision shall be made for 10% of the car parking spaces to have active provision for EV charging and 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).

15. Prior to the first commencement of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

16. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

17. No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Plot Travel Plans/ Statements and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overall Travel Plan and the Plot Travel Plans/ Statements

implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

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

18. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

19. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy

12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

20. The building, hereby permitted, is to be used for no other uses other than those falling within Eg(i) and (ii) or B2 or B8 of the Use Classes Order 2003.

Reason: To prevent a use that could be harmful to the wider function of the RY9 area.

**Proactive Statement:**

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

**Informative/s:**

1. 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.

2. LLFA:

1. Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

3. Highways:

1. Extent of Highway: Information on obtaining the extent of public highway around

the site can be obtained from the HCC website:

[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

2. 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.

3. 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.

4. 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.

5. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

6. Roads to remain private: The applicant is advised that all new roads not currently adopted associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

7. Construction Management Plan (CMP): The purpose of the CMP is to help

developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

8. Stopping up of highway: Highway rights will need to be extinguished across the area of land affected in accordance with a Stopping Up order to be made by the Secretary of State for the Department of Transport under Section 247 of the Town and Country Planning Act 1990 before development can commence. Further information is available on the Planning Portal at:

[https://www.planningportal.co.uk/info/200187/your\\_responsibilities/40/other\\_permissions\\_you\\_may\\_require/14](https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14) and on the government website:

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

9. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

10. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

#### 4. Anglian Water:

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

2. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian

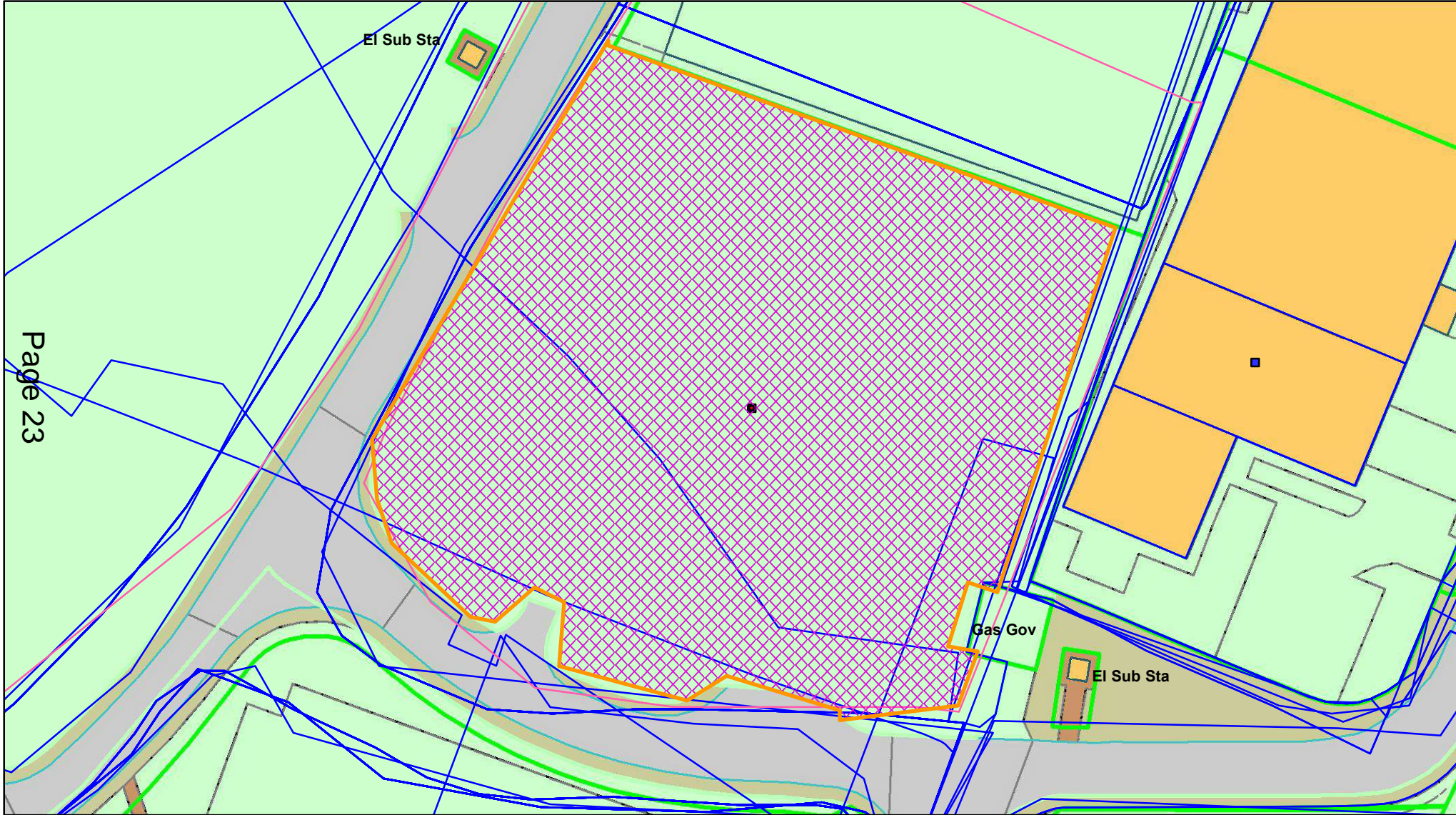
Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01189/FP Durham Way, Royston Gateway, Royston, Hertfordshire, SG8 5GX



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Scale 1:750

Date: 21/11/2023

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<u>Location:</u>	<b>Land For Units 5-13 Durham Way Royston Gateway Royston Hertfordshire SG8 5GX</b>
<u>Applicant:</u>	<b>Kiafield Properties Ltd</b>
<u>Proposal:</u>	<b>Erection of nine Class E (g (ii) and (iii)), B2 and B8 unit with associated service yards, car parking, landscaping and ancillary works</b>
<u>Ref. No:</u>	23/01190/FP
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:** 22.08.2023

### **Reason for delay**

Committee timetable and delays waiting for statutory consultee responses. An extension of time to the statutory determination date has been sought and agreed.

### **Reason for referral to committee**

This application has to be presented to PCC in accordance with the Constitution due to the size of the application in terms of site area and the amount of new floorspace proposed.

### **Plan numbers**

J230148-GC-L-DR-4-001 rev A Units 5 to 13. Soft Landscaping Plan  
2349-A12-X02-A Site A Existing Site Plan  
2349-A12-P16 Site B Proposed Site Elevations  
2349-A12-P15 Site B Proposed Site Sections  
2349-A12-P14-B Unit 13 Proposed Elevations  
2349-A12-P13-B Units 10; 11 and 12 Proposed Elevations  
2349-A12-P12-B Units 8 and 0 Proposed Elevations  
2349-A12-P11-B Units 6 and 7 Proposed Elevations  
2349-A12-P10-B Unit 5 Proposed Elevations  
2349-A12-P09-B Unit 13 Proposed floor plans; sections  
2349-A12-P08-B Units 10; 11 and 12 Proposed floor plans; sections  
2349-A12-P07-B Units 8 and 9 Proposed floor plans; sections  
2349-A12-P06-B Units 6 and 7 Proposed floor plans; sections  
2349-A12-P05-B Unit 5 Proposed floor plans; sections  
2349-A12-P04-F Site B Proposed Site Plan 2 of 2  
2349-A12-P03-F Site B Proposed Site Plan 1 of 2  
2349-A12-P02-C site B Proposed. Block Plan  
2349-A12-P01-E Site B Proposed Site Plan  
2349-A12-X01-E Site B. Location Plan

## **Supporting documents**

1. Units 5 – 13 Flood Risk Assessment and Drainage Strategy.
2. Transport Assessment Parts 1, 2, 3 and 4.
3. Preliminary Risk Assessment Parts 1,2, 3, 4 and 5.
4. Travel Plan.
5. Design and Access Statement.
6. Planning Statement.
7. Units 5 – 13 Soft Landscape management and maintenance plan.

### **1.0 Policies**

#### **1.1 National Planning Policy Framework February 2019:**

1.2 In general and with regard to:

Section 2 – Achieving sustainable development;  
Section 4 – Decision-making;  
Section 6 – Building a strong, competitive economy;  
Section 11 – Making effective use of land;  
Section 12 – Achieving well-designed places;

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

SP1 - Sustainable development in North Hertfordshire;  
SP3 – Employment;  
SP9 - Design and Sustainability;  
SP6 – Sustainable transport;  
SP7 – Infrastructure requirements and developer contributions.  
SP9 -Design and Sustainability;  
ETC1 – Appropriate uses in Employment Areas;  
T1 – Assessment of transport matters  
T2 – Parking;  
D1 - Sustainable design;  
D4 - Air quality;  
NE1 - Landscape;  
NE4 – Biodiversity and geological sites  
NE7 - Reducing flood risk;  
NE8 - Sustainable drainage systems;  
HE4 – Archaeology;  
RY9 – Land north of York Way.

#### **1.4 Supplementary Planning Document.**

SPD – Vehicle Parking at New Developments;  
SPD – Planning Obligations;.

### **2.0 Site History**

2.1 There is no previous planning history for this site, other than it is part of the land within the RY9 allocation area, which is land north of York Way allocated for new employment development.

2.2 Also for consideration on this same agenda for Planning Control Committee is application 23/01189/FP which is on land opposite this application site and is for one

employment building to match the style and design of this application, so the buildings appear as a comprehensive group.

### 3.0 **Representations**

- 3.1 **NHDC Environmental Protection Officer** – no objection subject to a land contamination condition being imposed on the decision. Officer note – this is recommended.
- 3.2 **NHDC Planning Policy** – the proposal is considered to comply with the relevant Local Plan policy criteria.
- 3.3 **NHDC Environmental Health (Air)** – no objection subject to conditions requiring EV parking and a travel plan.
- 3.4 **NHDC Environmental Health (Noise)** – no objection.
- 3.5 **HCC Highways** – no objection subject to conditions, informatives and a S278 payment of £25,000 with condition 7 recommended or £124,068.00 without the condition 7 recommended to be allocated to package PK15 Royston of the North Central Growth and Transport Plan. And a S106 payment of £6000 for Full Travel Plan implementation and monitoring for five years (£1200 per year).
- 3.6 **HCC Waste** – no objection subject to a condition requiring a Site Waste Management Plan.
- 3.7 **HCC LLFA** – no response on the updated information submitted at the time of writing.
- 3.8 **Health and Safety Executive** – do not advise against the granting of planning permission on health and safety grounds.
- 3.9 **Anglian Water** – recommend informatives.
- 3.10 **Royston Town Council** – no objection. Wish to see at least 10% of the parking provision as EV.
- 3.11 The application has been advertised with site and press notices. No third parties replies have been received.

### 4.0 **Planning Considerations**

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

- 4.1.2 The application site is a large (2.38 ha) vacant area lying on the west side of Durham Way and the east side of the A505 rear of the existing Aldi and M&S food stores. It is part of the new Royston Gateway employment area and adjoins an existing public footpath on its south-western boundary which separates it from open fields then lying to the south west. The area is within the new / developing Royston Gateway employment area, where there are employment buildings on adjoining and nearby sites. The land is roughly level and open, with no landscape features. There is an existing tree line to the north west, which runs along the boundary with the A505, and the turning head for Durham Way lies outside the site on its south side. There are no listed buildings within or adjacent to the site and the site is not within a Conservation Area.

#### 4.2 **Proposal**

4.2.1 This is a full application for nine employment use buildings, providing a total of 11,383 sqm of new floorspace, with associated access, parking, turning and landscaping. The buildings are designed as a 'courtyard' or group of seven smaller units in the central area of the site facing each other with a central parking and turning area, with one larger unit on either side, or each end, of the central group. Three points of access are proposed. A single point of access for the single unit (unit 13) on the northern side of the site, which is the location immediately to the rear of Aldi and M&S. A second highways access is in the central section of the site, serving the group of buildings, and a third access is in the south-western end of the site, off the existing end turning head, which is to serve the other end building (unit 5) but also links to a car parking and access strip along the eastern side boundary of the site, linking up to the central highway access.

4.2.2 In more detail the units comprise:

Unit 5 is a detached, single building at the southern end of the site:

- This building is 45m by 51.2m in footprint with an eaves height of 11.79m with a total floor area of 2,670 sqm.
- 62 parking spaces of which 2 are disabled, 3 active EV, 2 passive EV and 16 cycle spaces.
- A service yard provision for 10 vans and 3 HGV / lorries.

Units 6 and 7 are within one building located within the central part of the site on the south and Durham Way side:

- The whole building (for both units) is 53.2m by 26.2m in footprint with an eaves height of 11.79m.
- For unit 6 there are 25 parking space of which 1 active EV, 1 passive EV, 1 disabled. Plus 8 cycle spaces and 1 HGV / lorry space. This unit has a floor area of 1,008 sqm.
- For unit 7 there are 6 parking spaces of which 1 active EV, 1 passive EV, 1 disabled. Plus 8 cycle spaces and 1 HGV / lorry space. This unit has a floor area of 696 sqm.

Units 8 and 9 are within one building located within the central part of the site on the south and A505 side:

- The whole building (for both units) is 44.3m by 31.7m in footprint with an eaves height of 11.79m.
- For unit 8 there are 13 parking spaces of which 1 active EV, 1 passive EV, 1 disabled. Plus 8 cycle spaces and 1 HGV / lorry space. This unit has a floor area of 1,013 sqm.
- For unit 9 there are 8 parking spaces of which 1 active EV, 1 passive EV, 1 disabled. Plus 8 cycle spaces and 1 HGV / lorry space. This unit has a floor area of 670 sqm.

Units 10, 11 and 12 are in one building within the central part of the site on the northern side, expanding the width of the site.

- The whole building (for all three units) is a part 85.4m and part 78.2m wide and 34.3m deep with an eaves height of 11.79m.
- For unit 10 there are 14 parking spaces of which 1 active EV, 1 passive EV, 1 disabled. Plus 8 cycle spaces and 1 HGV / lorry space. This unit has a floor area of 970 sqm.
- For unit 11 there are 13 parking spaces of which 1 active EV, 1 passive EV, 1 disabled. Plus 8 cycle spaces and 1 HGV / lorry space. This unit has a floor area of 933 sqm.
- For unit 12 there are 24 parking spaces of which 2 active EV, 1 passive EV, 2 disabled. Plus 16 cycle spaces and 2 HCV / lorry spaces. This unit has a floor area of 1,435 sqm.

Unit 13 is a detached, single unit on the north side of the site:

- This building is 42.4m by 39.5m in footprint with an eaves height of 11.79m. This unit has a floor area of 1,988 sqm and is the only unit to have office accommodation at both first and second floor levels internally.
  - 17 parking spaces of which 2 active EV, 1 passive EV, 1 disabled and 20 cycle spaces.
  - A service yard provision for 2 vans and 2 HGV / lorries.
- 4.2.3 This gives a total provision of 216 parking spaces (of which 23 are EV spaces and 11 are disabled), 100 cycle parking space, 12 vans and 13 lorries.
- 4.2.4 All of the buildings have a small mezzanine with office accommodation at first floor level, with the exception of unit 13 which has office accommodation at first and second floor level. All the proposed buildings would have kitchen, shower and toilet facilities. They would have the same external appearance comprising sections of blue and grey external cladding and glazing. All of the units would have a low profile roof, with photovoltaics on south facing shallow roof slopes.
- 4.2.5 A landscaping plan is submitted with the application. This shows a strip of landscaping along the Durham Way Road frontage with a narrower section of landscaping along the A505 boundary, and a more significant section of landscaping along the south boundary with the public footpath.
- 4.2.6 As listed above, documents have been submitted in support of the application. These can be viewed in full on the Council's website. Key points include:

Planning Statement:

1. This site is part of a larger development known as Royston Gateway. Development in this location was allocated under Policy SP3 'Employment' within the North Hertfordshire Local Plan 2011-2030.
2. Royston Gateway is a major new, mixed use site which is approximately 12.2 hectares in size and located between the A505 and the established York Way / Orchard Road Industrial Estate.
3. Access to Royston Gateway is via a new junction on to the A505 or via York Way.
4. Royston Gateway is an employment site of flexible design and is considered suitable for a range of occupiers. A variety of plot and building sizes have been included within the business park to ensure that a diverse range of business needs can be met.
5. There are three accesses proposed, all via Durham Way, two of these are existing and a third access is proposed. The first access is existing and will be used to service units 5 to 12 along with a second, new, access which will predominantly serve units 6-12. The third access is existing and will be used for Unit 13 only. Pedestrian access will be via the existing footpaths.
6. The Site is designated as being in Flood Zone 1 on the Environment Agency's flood risk maps and as such is at the lowest risk of flooding from rivers and sea as well as being at a low risk from surface water flooding.
7. There is a principal aquifer underlying the Site.
8. The site is relatively level but gently falls from a level of approximately 57mAOD in the north west to 55.5mAOD in the south east
9. The surface water generated by this development will be independent of the highway drainage system which is located on Durham Way.
10. The development of this site is a continuation of the plot development that has been progressing since 2017 and it is proposed to implement the same surface water strategy for this development plot as has been agreed throughout Royston Gateway.
11. To reduce the likelihood of polluting the Principal Aquifer underlying the site, a bypass petrol interceptor will collect surface water from the asphalt access roads and service

yard. The permeable pavement will be sufficient to protect the Principal Aquifer from the 'very low' likelihood of pollution from the car and bicycle parks.

12. For foul water, the development will connect to the 150mm diameter foul water drainage system that is located under Durham Way. This system is subject to a S104 adoption agreement with Anglian Water.
13. The foul and surface water drainage infrastructure will remain private and be the responsibility of the owner.
14. There are no Listed Buildings on the site or within a close proximity.
15. Therfield Heath Monument is the nearest Scheduled Monument which is located approximately 1.5km to the south west of the Site.
16. Therfield Heath is a SSSI located approximately 500m south of the Site.

#### Transport Assessment:

1. A Transport Assessment has been prepared by Cannon Consulting Limited.
2. It has considered the cumulative impact of Unit 4 (3,622sqm) and the Island Site (1,840 sqm) and land between Durham Way and York Way (application ref: 23/00750/FP).
3. Phase 1 of Royston Gateway was approved in 2014 and included a left in / left out access highway improvement. As part of that application, the highway evidence supported a scenario including 20,829sqm of B2 floorspace. It states that planning permission was granted for Phase 1 of the Royston Gateway which included the provision of a new A505 southbound junction incorporating left in / left out slip roads from the A505. It was noted at the time of granting the outline planning permission that this would improve the existing situation which included traffic congestion north and south into Royston town centre.
4. The level of floorspace and trip generation proposed within this application is entirely consistent to the previously assumed levels for Royston Gateway.
5. The Transport Assessment confirms that the site is well positioned in terms of access to footways, cycleways and existing public transport provision and as such these are realistic alternatives to the private car for the future staff of the site.
6. A Framework Travel Plan has also been prepared. It sets out an overview of the Travel Plan inputs that will be incorporated by the occupier of the units as part of their requirements to produce a site-specific Travel Plan Statement (TPS) which will be prepared by the occupiers once they are known.
7. The Transport Assessment and the Travel Plan therefore concluded that the site is in a sustainable location with good access to non-car modes of transport.

#### Design and layout

1. In terms of appearance, the design seeks to be in keeping with the surrounding buildings while ensuring a durable and low-maintenance building to ensure the long-term high quality appearance of the development.
2. There are no natural features currently on site and therefore the proposals will introduce a planting scheme that complements the approved scheme in the adjacent plots that are completed or nearing completion.
3. The hard landscaping scheme which seeks to provide a variety of surfaces to demark areas. This includes lighter coloured block paving used for the pedestrian areas around the units as well as the pedestrian areas around the car parks. A darker shade of grey has been used for the car parking areas. A brushed concrete slab has been proposed for the loading area as it is practical and easy to clean.
4. The boundary and fencing also play a key role with steel mesh fencing proposed for the loading areas to ensure the area is safe and secure. A timber knee rail around the site perimeter, this will continue the consented character of the adjacent plots.

### **4.3 Key Issues**

#### Principle

4.3.1 Local Plan Policy SP3 confirms that the Council will proactively encourage the sustainable economic growth of the District and will support new and existing businesses. To achieve this the policy states that an adequate supply of employment land to meet the needs of the 'Functional Economic Market Area' over the plan period will be allocated, with two new employment areas to be created over the plan period. These are east of Baldock and west of Royston. The area west of Royston is now known as the 'Royston Gateway' and this application site is within this area. Therefore, there is no objection to the principle of this employment land development on this site in this location.

4.3.2 The Royston Gateway area has site specific Policy RY9 in the Local Plan which states the following considerations:

- *Site is within Health and Safety Executive (HSE) Consultation Zone;*
- *Site should deliver a new access to the Orchard Road employment area from the A505;*
- *Address existing surface water flood risk issues, including any run-off, through SUDs or other appropriate solution;*
- *Sensitive design / layout considering views to and from the Scheduled Ancient Monuments located on Therfield Heath;*  
*and*
- *Compensatory or offsetting measures for loss of existing grassland habitat.*

4.3.3 In response to these considerations:

- The Health and Safety Executive has been consulted and does not advise against this proposal on health and safety grounds.
- The new access from Orchard Road has already been delivered as part of the earlier phases of the development of this employment land area.
- The site is within Flood Zone 1. A drainage strategy for the site has been developed and the resolution of this application is subject to the receipt of a no objection response from the LLFA with any recommended conditions imposed on the decision.
- There is no objection to the proposed layout, which is discussed in more detail below.
- The proposal is not considered to have harm on the setting of Therfield Heath or its Scheduled Monument.
- This site has a rough, surface with no special grassland areas to be affected. Therefore, this criterion is not applicable to this site.

4.3.4 I therefore conclude there is no objection to the principle of this proposal nor to the application complying with the broad development aims of Policy RY9.

#### Use

4.3.5 In terms of the proposed use, the application is for a flexible permission, seeking a permission for the buildings to be used for E(g)(ii) and (iii), B2 and B8 uses. The Use Classes Order sets out these are:

- E(g)(ii) – the research and development or products or processes;
- E(g)(iii) – any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason or noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;
- B2 – General Industrial – use for the carrying on of an industrial process other than one falling within the uses described in Class B1

- B8 – Storage and Distribution – use for storage or as a distribution centre.

4.3.6 Given this is a new employment land area, with neighbouring sites being in similar uses and no residential properties in close proximity, there is no objection to these proposed uses nor to a flexible permission which is in accordance with the aims of Policy ETC1. Given that Use Class E also includes several other uses in addition to the E(g) uses listed above, it is considered appropriate to recommend a condition preventing the change of use of the building to other E class uses without planning permission first being obtained, as such uses within this class may have different impacts and parking requirements.

#### Layout and design

4.3.7 Local Plan Policies SP9 and D1, seek to achieve good design and state that the LPA will support new development where it is well designed and responds positively to its local context. This is a large-scale proposal for a large site area of land, and the proposal is considered to comply with this good design aspiration on the basis that in terms of size and design the buildings will match or be reflective of existing and proposed development on neighbouring sites. This will result in a coherent context of development resulting in positive place making.

4.3.8 The layout of the development with the inner courtyard layout with two larger units at either end is supported as this will create a sense of place within the development. The introduction of a landscaping strip along the long Durham Way frontage to introduce soft landscaping along the road edge and also to match in with the landscaping scheme for unit 4 opposite, and the other sites where a 'green edge' has been or is to be provided, is also supported and is in keeping with the wider context of the Royston Gateway locality. The car parking rear of this landscaping results in most of the buildings being set back from the road edge, reducing bulk and massing too close to the pavement edge.

4.3.9 The units are 11.79m to the eaves, with a low-profile roof above that, which will not be readily apparent from the street scene. This height is the same as the proposal for unit 4 (application 23/01189/FP) and similar to other units nearby. The units opposite on Durham Way have an eaves height of one unit at 11m and two at 12.5m, whilst the Safeline building to the south-east has an eaves height of just under 10m. The proposed external materials of blue and grey cladding will match in with neighbouring buildings and the blue detail on these buildings and on the proposed unit 4 building will give this collection of buildings a matching and acceptable visual appearance. Whilst these buildings are large in terms of footprint and height, their acceptable external appearance and their similarity to neighbouring buildings in terms of size, height and external materials means that they will appear as an acceptable group within and part of the Royston Gateway area. As a result, the proposal is considered to be in accordance with the good design aims of Policies SP9 and D1.

#### Sustainability

4.3.10 The Local Plan seeks to achieve sustainable development. The NPPF sets out the three threads of sustainability: social, environmental and economic. These aspirations are supported by the design principles in Policy SP9. The buildings would include a number of measures to help achieve long term environmental sustainability including the use of EV parking chargers, photovoltaics on the roof, light sensors and low energy light fittings. With regards to an economic role, the build phase of the buildings will be a boost to the local economy and the long-term function of the buildings would provide employment. Whilst the buildings would form a less obvious social role, there are social benefits arising from the employment. As a result, there is no objection to the application on the basis of sustainability.



## Parking

- 4.3.11 Policy T2 requires that the new development complies with the SPD Vehicle Parking at New Developments, which sets out a recommended parking allocation per use class. For this application if the whole floorspace were to be in B8 use, then 152 parking spaces and 33 cycle spaces would be needed. For mixed B1/B2/B8, 284 parking spaces are needed, with the same number of 33 cycle spaces.
- 4.3.12 The application has 216 car parking and 100 cycle parking spaces. The SPD allows for a reduction in the car parking spaces provided based on the accessibility of the site. For this location this can be between a 25% - 50% reduction. On this basis, no objection is raised to the proposed number of car parking spaces, especially as, at this time, the end users of the buildings are not known. There is also no objection to the over provision of cycle parking, which will not have an adverse impact on the appearance of the development and may help to encourage higher rates of cycling to the site. The occupiers of the buildings will need to implement a Travel Plan to encourage staff to car share, walk, cycle or use public transport to/from work. No objection is raised to the application on the basis of car parking.

## Highways considerations

- 4.3.13 Local Plan Policy T1 requires for new development to not result in highways safety problems or to cause unacceptable impacts on the road network and this policy allows for mechanisms to secure any necessary sustainable transport measures associated with the development. The Highway's Officer comments that the view of the Highways Authority (HA) to the proposal is that of approval subject to the application, along the application 23/01189/FP, seeking to deliver a LTN1/20 sustainable transport corridor from the site to the Roscomb cul-de-sac with the exception of the rail underpass. Therefore, from this it can be concluded that the application presents no adverse road / traffic safety issues in its own right.
- 4.3.14 Turning to the issue of the proposed conditions, the HA is recommending 8 conditions. Conditions 1-6 and 8 are recommended on the decision. Condition 7 states:

### *7) Rights of Way/ Sustainable Access Corridor*

#### *A) Design Approval*

*Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan to establish a LTN 1/20 compliant Sustainable Access Corridor along the route of the Proposed of-site and on-site Rights of Way Royston 005 between the site and the residential cul-de-sac Rosecomb has been submitted to and approved in writing by the Local Planning Authority.*

#### *B) Implementation / Construction*

*Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.*

*Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).*

4.3.15 Further text in the HA's response states:

*Sustainable Access*

*In line with the Policies of LTP4, particularly Policies 1 (the Transport User Hierarchy) and 5 (Development Management) it is essential given the declared climate emergency that this is considered first to unlock a site sustainably.*

*The site benefits from a reasonable quality pedestrian infrastructure within the existing industrial area (as identified by the applicant's Pedestrian & Cycle Audit (Appendix D of the accompanying Transport Assessment, TA) and a bus stop within 5 minutes walk (Durham Way Retail Park). The frequency of bus services to the Durham Way Retail Park is also considered good.*

*Cycle access to the commercial area is considered poor however, with cycle access being on road, via several cyclist unfriendly roundabouts and indirect. The P&C Audit however, identifies an existing circa 3.5-4m wide farm track adjacent to the western border of the proposal site. The farm track is the subject of a Public Right of Way (PROW) Creation Order (NH/308/CRE), PROW 5. With the exception of the narrow but short rail line underpass it is considered that the applicant can upgrade the track from the residential cul-de-sac Rosecomb to the site to LTN 1/20 standard to establish a policy compliant cycle access to the site. Ideally the rail underpass would be upgraded to, this however is not considered viable relative to the scale of the proposed development but it should be pursued if further development comes forward.*

*There is also £800,000 of S106 contributions attached to the planning permission (16/00378/1) for the upgrade of PROW 17 where it crosses the rail line. PROW 17 is subject to a Diversion Order (NH/308/DIV) to utilise the underpass and the contribution should be used here.*

*Contributions*

*HCC Highways operate two levels of mitigation agreements (Strand 1 and Strand 2). Strand 1 mitigation works being works that are directly required to unlock the development and solely the responsibility of the development. Strand 2 mitigation works being works that address the wider cumulative impact of the development for which the development isn't solely responsible for but does derive benefit from.*

*In the first instance HCC would envisage that any agreed improvements required to unlock the proposal site sustainably and travel plan contributions are delivered via a Strand 1 s106 agreement.*

*In the second instance (Strand 2) HCC calculate an appropriate headline figure based on the findings of HCC's adopted Developers Planning Obligation Toolkit (2021). Strand 2 contributions should address the cumulative impacts of all development, large and small, facilitating delivery and enhancement of the necessary active and sustainable transport networks. These local sustainable networks must be provided in their entirety to provide the sustainable connections to the key trip generators, as such contributions will be pooled to fund these networks within the local area (subject to any legislative restrictions), as supported by National Planning Policy Framework (NPPF).*

*This second strand contribution is intended to help implement broader transport measures in the catchments of new development from which contributions are secured. The need for second stand contributions will be balanced against the level of first strand contributions and any other relevant planning matters.*

*A review of the TRICS database (Page 34) sites within England and Wales surveyed in the last 5 years pre covid) suggested that a development of this nature could create*

*approximately 294 jobs which generates a headline contribution of £124,068. However, as discussed in the pre application response if the accessibility audit identifies appropriate measures for the developer to deliver through a S278 agreement that not only directly mitigate the local impact of the development but its and other developments wider cumulative impact this figure would be adjusted. The audit has identified the opportunity to establish the policy required active travel corridor to the site along the proposed PROW 5 which will unlock this site sustainably. Therefore, it is considered appropriate to reduce the required contribution to £25,000; which would be allocated to projects contained within the emerging North Central Growth and Transport Plan; in particular package PK15 Royston.*

4.3.16 Condition 7 has been the subject of significant discussion during the progression of this application. The applicant is refusing to accept condition 7 on the basis that:

1. In their view it is not lawful to impose a condition on the planning application the requires for S278 works as the legislation supporting S278 works is outside of the remit of planning.
2. It is not lawful to impose a condition on the planning application which is seeking to deliver works outside of the red line application site area. The area of land is in the ownership of third parties, outside the control of the applicant.
3. The wording of condition 7, as set out above, places an embargo on the development until the sustainable transport route is sorted out. However, the means to achieve the deliverability of the sustainable transport route is not within the applicant's control thus making the wording of the condition unreasonable.
4. There is already an established footpath in this location. The HCC is seeking to upgrade this to a cycleway. HCC are the authority to have the powers to serve the relevant notices requiring the compulsory purchase of land if needed to achieve the necessary width to achieve the cycleway.

4.3.17 For these reasons, the agent sets out that condition 7 is unreasonable and fails the required 'tests', as set out in paragraph 56 of the NPPF which requires for conditions to be: - necessary; - relevant to planning; - relevant to the development permitted; - enforceable; - precise and reasonable in all other respects. The applicant is not averse to the aspirations of what condition 7 is aiming to achieve, but does not consider that this condition is a suitable way to achieve it. They have no objection to providing a sustainable transport S106 contribution, helping to secure and fund the delivery of the sustainable transport link, allowing HCC to be the lead authority on this. The application is therefore recommended on this basis of the higher amount of £124,068.00 to be paid via a Unilateral Undertaking under the provisions of a S106 and condition 7 is not recommended. On this basis there is no objection to the application on highways grounds.

#### Landscaping and wildlife / bio-diversity

4.3.18 Local Plan Policy NE4 seeks to ensure a net gain of bio-diversity on all sites whilst Policy NE2 requires for landscaping to be a consideration. The application site is currently a rough section of open land and is not considered to represent a good level of bio-diversity in its current form. Drawing number J230148-GC-L-DR-4-001 sets out the landscaping proposals, which shows 45 trees to be planted along with shrubs. A condition is recommended to ensure the landscaping is implemented on site along with a further condition requiring for bird, bee and insect habitats to be included within the landscape areas. These measures will provide opportunities for on site bio-diversity and no objection is raised to the application on this basis. Furthermore, the introduction of trees and shrubs along the Durham Way Road frontage and along the south boundary with the public footpath is both in keeping with neighbouring sites and will result in an

attractive soft landscaping setting to the development. No objection is lodged against the application on the basis of either Policies NE2 of NE4.

#### Flood risk and drainage

- 4.3.19 Local Plan Policies NE7 - Reducing Floor Risk, and NE8 – Sustainable Drainage Systems both seek to ensure that new developments will not be or cause local flooding. The submitted Flood Risk Assessment with this application notes that the site is in Flood Zone 1, which is a low flood risk. A drainage strategy has been submitted as part of this proposal. It is not anticipated that there will be a drainage issue from the proposal. A response from the HCC LLFA team is outstanding, hence the recommendation of this application is to resolve to grant planning permission further to receiving their comments.

#### Impact on Therfield Heath and heritage considerations

- 4.3.20 Local Plan Policy HE1 and HE4 seeks to ensure consideration and protection of heritage and archaeological assets. There are no listed buildings within close proximity of the application site. The SSSI Therfield Heath and its Scheduled Monument are located to the south. The Schedule Monument are some Long Barrows, believed to date from the Early Bronze Age and Early Iron Age due to pottery and an iron spearhead that have been found there. However, these barrows are no longer visible at ground level, as they have become buried over the years but survive as buried features. The Royston Gateway area lies north of the railway line, north of the new development at Ivy Farm. As a result, these new buildings are considered to be sufficiently far away from Therfield Heath to have a nil impact on the setting of the location of the Long Barrows.
- 4.3.21 It is noted that from the high ground at Therfield Heath there are clear views out over the town, and the new development will be visible in long range views from these vantage points. However, no objection is raised to this on the basis of the area being an allocated employment area and the buildings will become part of the overall townscape and will not appear as isolated buildings, nor harmful in views from Therfield Heath, in their own right. Therefore, no objection is raised against the proposal on the basis of heritage or landscape setting considerations and the application is considered to be in accordance with aims of Policies HE1 and NE2.

### **4.4 Conclusion**

- 4.4.1 This is a full application seeking permission for nine new employment land buildings within the designated Royston Gateway employment land area. The proposal is considered to be acceptable in terms of layout, scale and design and have sufficient parking for its needs. As a result the application is considered to comply with the necessary criteria of Local Plan Policies SP3, RY9, SP9, D1, NE2, NE4, NE7 and NE8 and is recommended for conditional permission.

### **4.5 Alternative Options**

- 4.5.1 None applicable

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

- 4.6.1 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**

1.1 That planning permission resolved to be **GRANTED** subject to:

- A) – the completion of a UU under part S106 for the sustainable transport contribution and Travel Plan monitoring fee;
- B) – the receipt of a ‘no objection’ response from the HCC LLFA team with any conditions imposed on the decision;
- C) – the agreement to an extension of time to the statutory determination date to allow time for (A) and (B) to occur; and
- D) – the conditions and informatives set out below:

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

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

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

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

3. Details and/or samples 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.

4. Prior to the first occupation of the building hereby approved, the hard landscaping details, as set out on drawing numbers 2349-A12-P03-F and 2349-A12-P04F are to be implemented on site, unless otherwise agreed with the LPA, and thereafter retained.

Reason: To ensure the external visual attractiveness of the development, in accordance with the design aims of Policy D1.

5. In the first planting season following the construction of the building hereby approved, the soft landscaping scheme as detailed on drawing number J230148-GC-L-DR-4-001A is to be implemented on site and thereafter retained.

Reason: To ensure the external visual attractiveness of the development and to enhance on site bio-diversity, in accordance with the aims of Policies D1, NE2 and NE4.

6. Prior to the first use of the building hereby approved, details of a scheme for the provision for bird / bee / insect habitats on site is to be submitted to, and approved in writing by, the LPA and the measures approved are to be provided on site in full and thereafter retained.

Reason: To enhance on site bio-diversity, in accordance with the aims of Policy NE4.

7. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
  - i) Roads, footways.
  - ii) Cycleways.
  - iii) Foul and surface water drainage.
  - iv) Visibility splays
  - v) Access arrangements
  - vi) Parking provision in accordance with adopted standard.
  - vii) Loading areas.
  - viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. Prior to the first occupation / use of the development hereby permitted the vehicular accesses shall be completed and thereafter retained as shown on drawing number (B871-PL-SK209) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. Prior to the first occupation / use of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the accesses shown on drawing number (B871-PL-SK209) only. Any other accesses or egresses shall be permanently closed, and the footway / kerb / highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first use of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of

separately so that it does not discharge onto the highway carriageway.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. Prior to the first occupation / use of the development hereby permitted, provision shall be made for 10% of the car parking spaces to have active provision for EV charging and 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).

13. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h. Provision of sufficient on-site parking prior to commencement of construction activities;
  - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k. Phasing Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

14. No part of the development hereby permitted shall be occupied prior to the approval of the Overarching Travel Plan and the approval of the relevant Plot Travel Plans/ Statements and the implementation of those parts identified in the approved Overarching Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Overall Travel Plan and the Plot Travel Plans/ Statements implemented in accordance with the timetable contained therein shall continue to be implemented as long as any part of the development is occupied.

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

15. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (PERA) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past

land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

16. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

17. The buildings, hereby permitted, are to be used for no other uses other than those falling within Eg(i) and (ii) or B2 or B8 of the Use Classes Order 2003.

Reason: To prevent a use that could be harmful to the wider function of the RY9 area.

**Proactive Statement:**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has



therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

1. 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.

2. Highways:

1. Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website:

[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx)

2. 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.

3. 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.

4. 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.

5. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

6. Roads to remain private: The applicant is advised that all new roads not currently adopted associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

7. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

8. Stopping up of highway: Highway rights will need to be extinguished across the area of land affected in accordance with a Stopping Up order to be made by the Secretary of State for the Department of Transport under Section 247 of the Town and Country Planning Act 1990 before development can commence. Further information is

available on the Planning Portal at:

[https://www.planningportal.co.uk/info/200187/your\\_responsibilities/40/other\\_permissions\\_you\\_may\\_require/14](https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14) and on the government website:

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

9. Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website [www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

10. Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

### 3. Anglian Water:

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

2. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

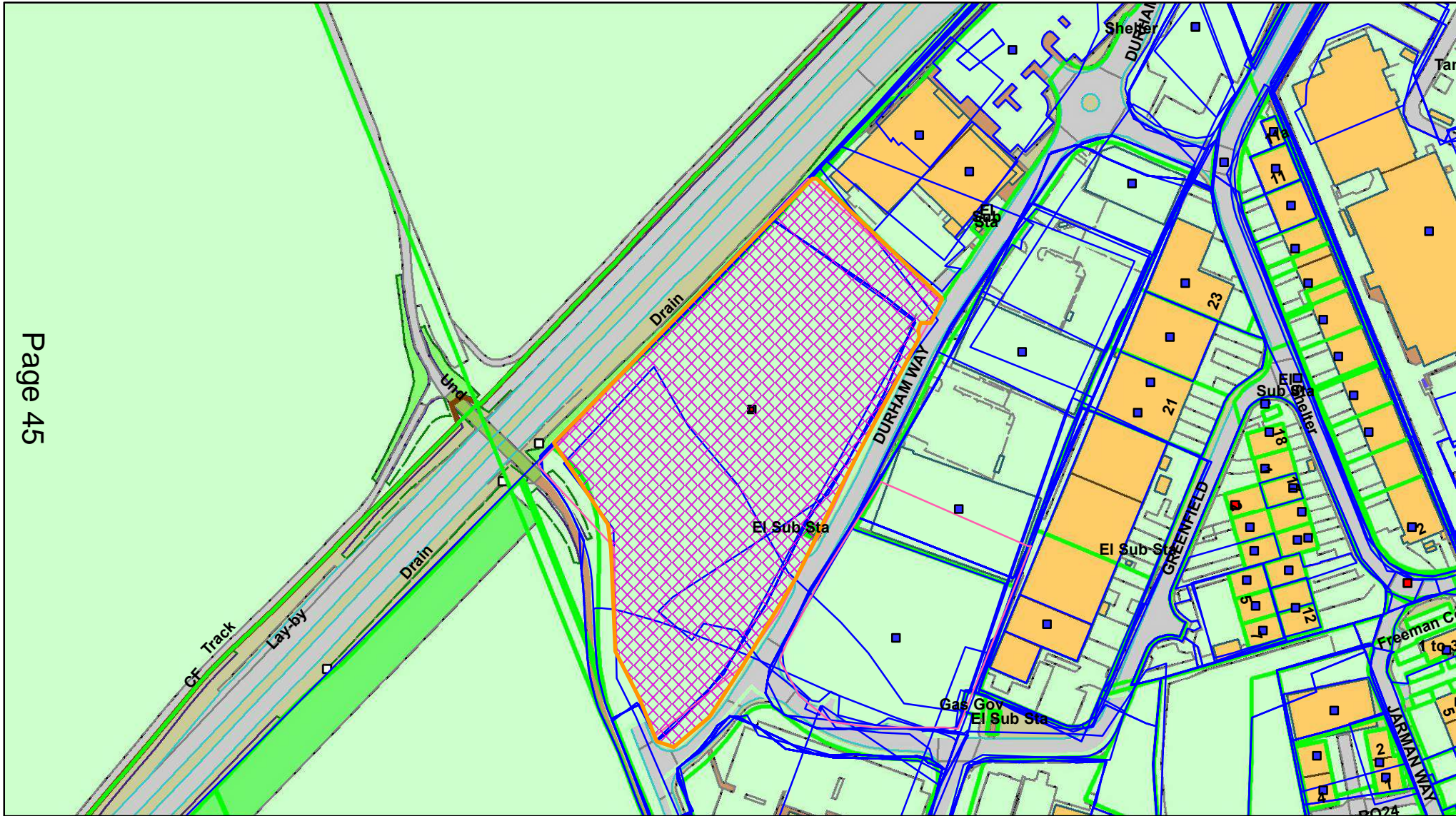
3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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# NORTH HERTFORDSHIRE DISTRICT COUNCIL

23/01190/FP Land For Units 5-13 Durham Way, Royston Gateway, Royston, Hertfordshire, SG8 5GX



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Scale 1:2,500  
Date: 21/11/2023

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**PLANNING CONTROL COMMITTEE**

**DATE: 07 December 2023**

**PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Bampleton Properties Ltd	15/11/23	Erection of one 2-bedroom dwelling (as amended by plans received 16th June 2023 and 18th July 2023).	Land Adjacent To 7 Butterfield Barley Hertfordshire SG8 8FD	23/01088/FP	Written Representation

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