

ITEM NO:	<u>Location:</u>	Land between A505 and, York Way, Royston
7	<u>Applicant:</u>	Kiafield Properties Ltd
	<u>Proposal:</u>	Erection of 2 retail foodstores with ancillary cafe; provision of 170 associated car parking spaces; plant and service yards; provision of new road on junction of A505 and new link road to Orchard Road Industrial Estate; landscaping and all other associated works (as amended by plans received on 16 May 2017).
	<u>Ref. No:</u>	17/01024/ 1
	<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 15 August 2017

1.0 Relevant History

- 1.1 Planning permission granted in 2014 for a new warehouse building (Johnson Matthey) with 60 vehicle car park and service yard together with new food store (Waitrose) and associated 200 vehicle car park. The scheme also included a new access onto the A505 west bound carriageway. This scheme has not been implemented and it is understood that Johnson Matthey no longer wants to build the approved warehouse. Regardless, this permission is still extant and remains so until the 25th Feb 2018 (ref 14/01809/1).

2.0 Policies

2.1 DLP No2 (Saved)

Policy 36 - Employment Provision;
Policy 6 -Rural Areas Beyond the Green Belt;
Policy 8 -Development in Towns;
Policy 9 - Roystons Development Limits;
Policy 42 - Shopping;
Policy 51-Development Effects and Planning Gain;
Policy 55 - Car Parking

SPD : Planning Obligations; Vehicle Parking at new Development

Royston Town Centre Strategy (June 2008)

2.2 Submission Local Plan

RY9 Land north of York Way (Employment allocations and site specific criteria)

Policy:

SP2 - Settlement Hierarchy
 SP3 - Employment
 SP4 - Town and Local Centres
 SP6 - Sustainable Transport
 SP7 - Infrastructure and developer contributions

SP9 - Design and sustainability
SP12- Green Infrastructure, biodiversity and landscape
ETC1 - Appropriate uses in Employment Areas
ETC3- New retail, leisure and other main town centre development
T1 - Assessment of transport matters
T2 - Parking
D1 - Sustainable design
NE7 - Reducing flood risk

2.3 **NPPF**

1. Building a Strong, Competitive Economy;
2 Ensuring the Vitality of Town Centres;
4 Promoting Sustainable Transport;
11 Conserving and Enhancing the Natural Environment.

3.0 Representations

3.1 **Royston Town Council** - Commented as follows:

Royston Town Council raised no objection to this application and support the development of the new access road from the A505 which will bring relief to the congestion of traffic accessing the industrial area of York Way and Orchard Way.

3.2 **Herts Highways** - No objection subject to conditions.

3.3 **Environmental Health** (contamination) - No objection subject to a standard investigation condition

3.4 **Environmental Health** - (noise) No objection.

3.5 **Environment Agency** - No objection (the EA risk threshold has been raised since responding on the last application).

3.6 **Health and Safety Executive** - Responded as follows on the previous application:

"As the proposed development lies within the consultation distance of a major hazard site, Johnson Matthey plc at Orchard Road, Royston, I should be grateful if you would arrange for PADHI+ to be used to consult HSE for advice on this application, and on all future proposals for developments within the consultation distance of a major hazard site or pipeline."

Since this time the HSE has replaced PADHI with a web based advice app which it recommends.

3.7 **Herts Ecology** - No objection subject to condition requiring updated reptile survey.

3.8 **South Cambridgeshire District Council** - No response.

3.9 **Royston Labels (17-20 Greenfield)** - No response.

3.10 **Local Residents** - Representations from residents in Royston and Letchworth (working in Royston) have been received supporting the proposal from the following reasons (summarised):

- more choice for a growing town
- improved access to A505 relieving rush hour congestion
- great for the community

A representation has been received from a potential resident of Orchard Road expressing some concern that traffic levels will increase post development.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site currently comprises open land north of The Greenfield / York Way industrial area abutting the A505.

4.2 Proposal

4.2.1 The proposal seeks permission for two retail stores housing the retailers Aldi and Marks and Spencer (with cafe) adjacent to the A505. The M&S would measure 1497 sqm GIA and the Aldi 1746 sqm GIA (described as 'small to mid-size' stores by the applicant). This represents an increase of about 348 sqm of additional sales floorspace over that already approved. The new stores are specified with 170 car parking spaces off of a new mini roundabout. The scheme would be landscaped and include a fenced service yard at the western end of the stores.

4.2.2 Neither stores represent what the applicant describes as an 'all under one roof' shopping format typically associated with the 'big four' supermarkets. The non-food retail offer (comparison goods) would be small relative to food in both new stores namely up to 15% in the M & S and 20% in the Aldi. The applicant points out that the Aldi comparison offer is always seasonal with no single range predominating.

4.2.3 The proposed buildings would be of a modern, almost modular flat roof design with the M&S part of the building attaining a max height of 9.5m. The rest of the building would be around 6m high.

4.2.4 The scheme includes a new service road off of York Way and Greenfield and, most significantly, a new access and egress from and to the west bound carriageway of the A505. Traffic from and to this road would be controlled by a new roundabout within the proposed scheme.

4.3 Key Issues

4.3.1 The key issues centre on an evaluation of the following:

- General principles (policy)
- Economic and retail impacts (vitality and viability of Royston Town Centre) and the sequential test
- Design
- Impact on neighbours
- Impact on landscape and ecology
- Transport and highway matters
- Health and safety (HSE protection zone)
- Planning obligations

General Principles

- 4.3.2 The starting point for a determination in this case must be the Local Plan. The site is just outside the Town boundary (Policies 8 / 9) and technically lies within the rural area beyond the Green Belt (Policy 6). Despite the age of the Plan, Policy 6 is still regarded as being relevant and in some part compliant with the NPPF. In a recent appeal decision at Gannock Thatch, Sandon, in respect of a new dwelling well outside of the selected village boundary, the Inspector commented as follows:

"5. LP Policy 6 is broadly consistent with a core principle of the National Planning Policy Framework (the Framework), which is to recognise the intrinsic character and beauty of the countryside...."

The important point to note following this decision is that the Inspector found Policy 6 relevant in protecting the countryside from development which may otherwise be injurious to the character of the rural area. The Policy is not however as well equipped to guide on other sustainability issues set out in the NPPF, principally in this case those relating to matters of economic import which would need to be taken into consideration in the face of an out of date local plan. It should also be noted that this site has been identified for additional employment uses in the Submission local plan now awaiting examination (RY9). This emerging plan can be afforded some weight but as it has yet to be examined, this weight must necessarily be limited. The 2013 Employment Land Review also identifies the site as a ***"suitable location for future employment development building on the success and profile of the existing, successful Orchard Road / York Way area."***

- 4.3.3 Turning now to what the NPPF says about development which may appear contrary to the development plan, paragraph 14 of the NPPF reads as follows for decision making:

- ***approving development proposals that accord with the development plan without delay; and***
- ***where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:***
 - ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or***
 - ***specific policies in this Framework indicate development should be restricted.***

The 3 interlocking dimensions of sustainability are set out in the NPPF as the ***economic, social*** and the ***environmental***, all of which should be given simultaneous consideration. Arguably, Policy 6 is only compliant with the Framework in respect of the environmental dimension (impact in the countryside). Accordingly, the fact that the site is currently outside of the Town boundary is not of itself determinative and the consideration of this application must look beyond the notional policy boundary of the Town and balance the positive aspects of the proposal, in terms of the sites convenient proximity to a large well serviced town and the delivery of economic and other benefits, with any other harm which may be identified - principally the viability and vitality of Royston Town centre.

- 4.3.4 **Summary:** The application site is currently beyond the Town boundary and within the rural area beyond (Policy 6). However, the Policy has limited scope in view of its age and the publication of the NPPF. The site is however is part of allocation RY9 in the Submission Local Plan but as this has yet to be examined it attracts limited weight. It should also be borne in mind that there is an extant permission for 2500 sqm of retail floorspace on this site. This scheme represents an increase on this approval of some 750 sqm. In these circumstances the Framework dictates that there must be significant and demonstrable harm occasioned by the proposal in terms of the economic, environmental and social dimensions of sustainability, to warrant refusal.

Economic and Retail Impacts

- 4.3.5 The NPPF is predicated on a 'town centre first' approach to the location of new, main town centre uses. Paragraph 24 of the NPPF offers the following general planning guidance in this context:

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 of the NPPF expands on this requirement to apply the sequential test in decision taking:

When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- ***the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and***
- ***the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.***

Advice on the application of the sequential test and impact appraisals is set out further in the Planning Policy Guidance notes now supplementing the NPPF:

The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- ***with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.***

- ***is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.***
- ***if there are no suitable sequentially preferable locations, the sequential test is passed.***

4.3.6 In order to ensure the proper application of the sequential test, as required by the NPPF, the Council commissioned an appraisal of the applicants submitted retail assessment by the planning consultancy GL Hearn. Specifically, this appraisal looks at the town centre impacts of the proposed food stores and the arguments advanced by the applicant in support of the scheme. After conducting an audit of the retail impacts of the proposal GL Hearn conclude as follows:

"Overall there are no suitable and available sequential sites to accommodate the development proposal;

- ***The proposal is unlikely to have a significant adverse impact on Royston Town Centre; and***
- ***The proposal would not prejudice any potential investment in Royston Town Centre***

As such there would be no conflict with paragraph 27 of the NPPF and the application for an Aldi and M&S store at Royston Business Park should be supported."

4.3.7 **Summary:** The only 'sequentially preferable' site at the Civic Centre is not currently available for the purposes of the sequential test and this being the case the Council is obliged to consider the application site subject to the proposal not having a significant and demonstrable impact on Royston Town centre. In this regard, the Council's consultant (GL Hearn) has agreed with the applicant's assessment that the proposed M and S / Aldi stores would be unlikely to have an adverse impact on Royston Town centre.

Design

4.3.8 To a large degree the design of the new dual foodstore is dictated by function. The proposed building would be utilitarian in appearance but would be clean and modern, comprising two distinct levels of around 9.5m and 6m. In the overall context of York Way these are low buildings. This modest elevation would render the scheme recessive in views into the site, particularly against the backdrop of the wider industrial area. The colour palette shown on the drawings is sombre but considered in my view mixing grey cladding with brickwork and render. The extensive glazing at the front of the stores would be typical of a modern retailing operation The company building signage would be subject to a separate advert consent application at a future date - the corporate livery shown on the buildings being indicative at this stage. This said the scheme does specify a typical 5m high totem sign advertising both retailers and opening hours at the entrance to the car park.

4.3.9 Notwithstanding the indicative colour details shown I would consider it prudent to condition external materials and landscaping final landscape details.

Impact on neighbours

4.3.10 The only close neighbour to this proposal is the range of commercial buildings which currently form the northern boundary of the industrial area, namely units 17-23 Greenfield. The owner / occupier of these units (17 -20 - Royston Labels) had previously expressed concerns in respect of the proximity of the then proposed Johnson Matthey storage building which formed part of the 2014 proposal. However, this element has not been included in this application due to changes in the operational requirements of JM's business and no objection has been received. I do not consider there would be any adverse impacts associated with either the new access arrangements or the presence of the new store. Indeed, the provision of the store, cafe and, more importantly, a new access onto the A505 would in my view be of significant benefit to the long term viability of nearby businesses.

Impact on landscape and ecology

4.3.11 The application was accompanied by an ecological assessment as was the previous scheme. The Council's ecology advisor has commented as follows:

Although the ecology report is becoming dated, I have no reason to consider anything has changed. The most interest is likely to be associated with the scattered scrub and younger, rough grassland purely in terms of the habitat resource these provide (e.g. for birds) rather than their intrinsic value. As such, I do not consider it necessary for the LPA to require an updated survey. Little had changed since 2008 and I have no reason to believe the existing ecology represents a constraint on the proposals [my underlining].

However, in terms of reptiles, the previously undertaken report of April 2015 report has been re-submitted. Whilst I am satisfied this was sufficient to demonstrate no reptiles were present then, two years have elapsed since and the summers of 2015, 2016 and 2017 would have provided opportunities for reptiles to colonise the site. Lizards have already been known to have moved into previously abandoned arable fields next to the A505 adjacent to this site which then needed to be moved due to the forthcoming housing development. Given the presence of reptiles locally and the delay in any development works taking place on this site – and the apparent lack of habitat management in the meantime to create unsuitable conditions for them – I consider that the potential for reptiles remains sufficiently high to justify the LPA requiring an updated reptile survey. [my underlining]

Accordingly, members will note that I have recommended a condition requiring an updated reptile survey with any mitigation this may require (condition 12).

4.3.12 The Council's landscape officer has reviewed the landscape plans and is satisfied with the overall concept but has recommended a condition requiring more precise details prior to commencement (condition 11).

Transport and highway matters

4.3.13 The proposal requires assessment regarding the following highway and transport matters:

- Store car parking
- Internal road infrastructure and new access onto A505
- Passenger transport
- Pedestrian and cycle access.

The submitted transport assessment (TA) sets out the case for the proposed car parking serving the stores against the Council's Car Parking SPD:

New 2 x foodstore proposals
(Total 3,243 sqm GIA)

Parking:

170 inc 10 disabled plus 6 parent +
child (180)

Cycle:

24 (16)

The figure in brackets represents the number of spaces required by the SPD as a maximum. It will be noted that the scheme is specified at close to this maximum. I consider this assessment of car parking need to be well reasoned and would raise no objection.

- 4.3.14 The proposed new highway infrastructure, specifically the new access and egress to the A505, have been the subject of a full transport assessment and review by the County Highways Authority (HA). The HA had concluded that the new arrangements would be acceptable both in terms of their impact on traffic flows on the A505 and the wider highway network in the town. Further, the HA endorse the proposed works as beneficial overall :

"The Old North Road corridor carries a significant amount of traffic, particularly in peak periods. Site observations and traffic data reveal that the AM peak is not constrained whilst the PM peak is constrained by virtue of the type of businesses and their coincident clocking off times. This creates pressure particularly on the York Way and Orchard Road corridors. It is evident that congestion on these roads leads to significant delay in trying to reach the Old North Road corridor and access to the A505 to the north.

The new junction from the A505 will not only provide access into the site but also play a key role in alleviating the currently congested access roads into the industrial area on York Way and Orchard Road, with some consequent relief to the corridor along Old North Road."

- 4.3.15 The HA previously expressed some concern about promoting the use of non-car access to the development and in this regard has requested the scheme fund an extension to the existing bus services together with the implementation of travel plans. The sum originally requested from the HA for the enhancement to the bus services was £130,000 to be secured via a section 106 agreement together with a smaller sum of £12,000 to fund travel plans and monitoring. The developer offered a sum of £100,000 by unilateral undertaking and this was accepted. This sum has been offered again by undertaking and I see no reason to raise any objection in this regard given the other significant advantages of approving this proposal for the wider benefit of the industrial area and its users.
- 4.3.16 A public footpath crosses the site to the east of the larger new roundabout connecting the A505 with York Way. This would run across the new eastern access approach from the A505. The path will need diverting. Footpaths can be diverted via the submission of a planning application. However, I had previously discussed the issue of the footpath in relation to the approved scheme with the Rights of Way team at HCC and the following advice was given:

"I don't think the diversion of the footpath needs to be a condition of the planning permission and can be adequately dealt with as an informative if/when permission is granted. The developer should be made aware that the line of Royston Footpath 2, as currently recorded on the Definitive Map and statement, must remain open, available and unobstructed until such time that it is diverted or extinguished by legal order."

Again, a suitable informative is set out in the recommendation.

Health and safety (HSE protection zone)

4.3.17 The application site falls within the protection zones for a Major Hazard site (Johnson Matthey). In these circumstances it is necessary to use the Health and Safety Executive's web app assessment methodology in order to evaluate the sensitivity of the uses proposed to the identified hazard, should an emergency event occur. The applicant had previously set out an assessment based on this methodology which concluded that the HSE response would be **'Don't Advise Against'** (DAA) development of this nature. This assumes a sensitivity level of 2 for the foodstores (and 1 for the previously included warehouse) and their location within the middle and outer zones respectively as described by Council and HSE records.

4.3.18 The applicant has provided a second assessment for this proposal which again concludes that the HSE advice would be **'Don't Advise Against'** (DAA) for a store(s) of a cumulative total of less than 5000 sqm. Using the HSE web application a report confirms that the HSE would be to 'not to advise against' on safety grounds. A copy of this report has been placed on the application file.

Planning obligations

4.3.19 The Council's SPD recommends the imposition of a levy on non-residential development of this kind based on a figure of £500 per car parking space. In terms of the number of parking spaces proposed for both the new store and the storage building, this would amount to a sum of £130,000. Following discussion with HCC and its Passenger Transport Unit (PTU) the applicant previously offered £100,000 to be spent on extending bus services to the new development. The same offer has been made again and this application is accompanied by a unilateral undertaking committing this sum again.

4.3.20 The Council does not have a CIL in place and this being the case Planning Inspectors when dealing with appeals have opined that the targets for funds collected via the adopted SPD should be very clearly and discretely identified. In this case the investment the scheme necessitates in order to deliver the new access to the A505 would be substantial and, more to the point, would deliver transport benefits beyond those of immediate advantage to the development proposed (food store and storage building) as suggested by the HA above. Accordingly, I am minded to recommend that the offer of £100,000 for extended bus services, viewed together with the new road infrastructure, is again reasonable.

4.4 Conclusion

4.4.1 The proposed scheme represents a significant investment for Royston and overall the benefits of an approval in advance of formal allocation of this site outweigh any identifiable harm in my view. In this regard the scheme must be seen as compliant with the NPPF, specifically paragraph 14. The difference between this scheme and that approved for a single Waitrose store is not significant in floorspace terms and it would be difficult to see how the Council could reach a different conclusion than it did previously in supporting that proposal. No interest in this application has yet been shown by the towns other retailers following the approval of the Waitrose scheme. The GL Hearn review commissioned by the Council accepts the

applicant's overall conclusion that there should be no harm to the vitality of Royston Town Centre. Moreover, this scheme represents a more diversified retail offer than the previously approved scheme, an offer which appears to be well supported by the Town Council and the residents of Royston alike.

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions and completed Unilateral Undertaking as detailed above:

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. **Prior to commencement of the development as defined on drawing 01334-S38 -200 revision C detailed drawings of all highway works shall be submitted and approved in writing by the Highway Authority.**

Reason: To ensure that all work undertaken on the public highway is constructed to acceptable standard.

4. No part of the development shall be occupied until the proposed works shown on 'in-principle' drawing 01334-S38 -200 revision C between the A505 and the new roundabout, are completed to satisfaction of the Highway Authority.

Reason: To ensure that the impact of development traffic on the local road network is minimised.

5. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the join to the existing carriageways, have been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

6. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through Royston town centre and shall be carried out as approved.**

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

7. **Prior to the commencement of development a Construction Method Statement shall be submitted and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Method Statement shall address the following matters:**

- a. Off site highway works in order to provide temporary parking restrictions (if required). Work shall be completed prior to the commencement of development, and reinstated as required.**
- b. Operation times for construction vehicles.**
- c. Construction and storage compounds (including areas designated for car parking).**
- d. Siting and details of wheel washing facilities.**
- e. Cable trenches.**
- f. Foundation works.**
- g. Substation/control building.**
- h. Cleaning of site entrance and the adjacent public highways.**
- i. Disposal of surplus materials.**

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

8. **Prior to first occupation of the development, provision for a bus to 'loop' within the site in order to serve the development shall be provided. Bus stopping facilities shall meet appropriate accessibility standards and be constructed as in accordance with the details as contained on the Herts Direct web site. These will need to be connected to the development's footpaths and easy access kerbs and shelters are provided as appropriate. The exact locations and accommodating works will need to be agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s38/s278 works.**

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, and to further encourage sustainable modes of transport.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Cannon Consulting reference CCE/B871/FRA-A2 dated July 2014 and Flood Risk and Drainage Technical Memo carried out by WSP | Parsons Brinckerhoff reference 6000134 dated 20 April 2017 issue 2.0 the following mitigation measures detailed within the FRA:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. Implementing appropriate drainage strategy based on infiltration and as indicated on drawing no 1334-DR-2000 Rev E.
3. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

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

Reasons:

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

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

- **Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet features including any connecting pipe runs.**
- **Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.**

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

11. **Notwithstanding the approved soft landscape strategy, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing and the approved details shall be implemented on site. The landscape scheme shall include:**

- a) **which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;**

b) what new trees, shrubs, hedges are to be planted and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing;

c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;

d) details of any earthworks proposed.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

12. Prior to any works commencing within the application site, an updated reptile survey, together with any necessary mitigation, shall be submitted to and approved by the Local Planning Authority.

Reason: To safeguard any reptiles which may have subsequently colonised the site.

13. Prior to the commencement of development, full details of the on-site storage facilities for commercial waste, including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point and, the arrangements for the disposal of waste shall be provided and shall include provision for a minimum of 50% recycling/organic capacity. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason – To protect the amenities of nearby residents/occupiers and in the interests of visual amenity, source segregation of waste in accordance with pre-treatment regulations.

14. Prior to works commencing a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Waste Authority (Herts County Council). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

Reason: To ensure waste is dealt with in an environmentally appropriate manner.

15. (a) 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**
- (b) **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 (a), above; has been submitted to and approved by the Local Planning Authority.**
- (c) **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 (b), 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.**
- (d) **Any contamination, other than that reported by virtue of condition (a) 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.

HIGHWAY INFORMATIVES:

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

1. Construction standards for works within the highway: 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 38/278 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 website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
2. It is advisable that all internal roads could be designed and built to adoptable standards.

3. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

INFORMATIVE (RIGHTS OF WAY):

The developer should be made aware that line of Royston Footpath 2, as currently recorded on the Definitive Map and statement, must remain open, available and unobstructed until such time that it is diverted or extinguished.

ECOLOGY

Site clearance works should accommodate the breeding requirements of scrub and ground nesting Skylark and potentially Grey Partridge which are known to be in the area. No clearance of such vegetation should be undertaken during the nesting season or not without a prior check to ensure no nesting activity is occurring.

Proactive Statement

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