

ITEM NO:

<u>Location:</u>	Land South Of Durham Way Royston Gateway Royston Hertfordshire SG8 5GX
<u>Applicant:</u>	Kiafield Properties Ltd
<u>Proposal:</u>	Erection of three Class E (former B1C, B2 and B8) units with associated car parking and ancillary works
<u>Ref. No:</u>	20/01017/FP
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period : 13.08.2020

Reason for referral to committee

As the site area is greater than 1ha and the proposed floor space is greater than 500sqm, in accordance with the Council's scheme of delegation this application must be determined by the Planning Control Committee.

Relevant policies**1.1 North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 8 - Development in towns
Policy 9 – Royston's Development Limits
Policy 14 – Nature Conservation
Policy 36 – Employment provision
Policy 37 - Business Uses
Policy 51 – Development Effects and Planning Gain
Policy 55 – Car Parking Standards

1.2 Emerging Local Plan 2011 – 2031**Section 2 – Strategic Policies**

SP1: Sustainable development in North Hertfordshire
SP3: Employment
SP6: Sustainable Transport
SP7: Infrastructure requirements and developer contributions
SP9: Design and sustainability
SP11: Natural resources and sustainability
SP12: Green Infrastructure biodiversity landscape
SP13: Historic Environment

Section 3 – Development Management Policies

ETC1: Appropriate Uses in Employment Areas

T1: Transport Matters

T2: Parking

D1: Sustainable Design

D4: Air Quality

NE1: Landscape

NE7: Reducing Flood Risk

NE8: Sustainable Drainage Systems

NE11: Contaminated Land

NE12: Renewable and low carbon energy development

HE1: Designated Heritage Assets

HE4: Archaeology

1.3 National Planning Policy Framework 2019

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting Sustainable Transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

1.4 Supplementary Planning Documents

Vehicle Parking Provision at New Developments

Design

Planning Obligations

2.0 Relevant Site History

- 2.1 14/01809/1 - Erection of industrial warehouse building for the purposes within Use Class B8 (Storage or Distribution) with offices and ancillary facilities, service yard and 60 car parking spaces; erection of foodstore together with associated car parking (200 spaces); provision of new road on junction of A505 and new link road to Orchard Road Industrial Estate (as amended by plans received 5.11.14 and 27.11.14) – Approved 25/02/15. Not implemented.

Nearby sites

- 2.2 19/00601/FP - Earthworks comprising ground raising/levelling using fill from the construction activity – Approved 26/04/19.
- 2.3 18/02892/FP - Erection of B1c, B2 and B8 units with ancillary Trade counter and associated car parking, service yards and access road. Approved 15.08.19
- 2.4 18/02819/FP - Proposed Coffee Shop unit (mixed A1/A3 use) with drive through facility, external seating area and associated car parking, access road, signage and landscaping – Approved 17/12/18.

- 2.5 18/01312/FP - Earthworks comprising ground raising/levelling using fill material from the construction activity – Approved 19/07/18.
- 2.6 17/04357/FP - Erection of a new industrial building within Class B1c with offices and associated facilities, access, service yard, car and cycle parking and landscaping. (Amended plans received 05/02/18 and 06/06/18). Approved 25.06.18
- 2.7 17/01024/1 - 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) – Approved 17/11/17.
- 2.8 10/02628/1 - Erection of industrial building for the purposes within Use Class B2 (general industrial) with warehousing, offices and ancillary facilities, provision of a service yard, 48 car parking spaces, cycle shed, formation of vehicular access from York Way, access road and landscaping (renewal of planning permission 04/01997/1 granted 16.12.2005) – Approved 01/03/11.
- 2.9 04/01997/1 - Erection of industrial building for purposes within Use Class B2 (general industrial) with warehousing, offices and ancillary facilities, provision of a service yard, 48 car parking spaces, cycle shed, formation of vehicular access from York Way, access road and landscaping (as amended by drawing No. 22 revision A received on the 7th February 2005) – Approved 16/12/05.

3.0 **Representations**

- 3.1 **Royston Town Council – “Members of Royston Town Council raised NO OBJECTION to this application. However, the Council would like to bring the following points to your attention for the developers to consider ’**

’ More cycle parking is needed on site. It is good to see the provision of cycle parking and a separate car park access for this, but a good proportion of the workers/customers could come from within Royston and we do not believe that what is planned to be provided is sufficient.

’ The nearby surrounding developments have considerably more green space in their car parks and surrounds than this one does. It appears that only a small grassy strip is included in these plans and it would be good if some smallish trees could be added to the site.”

- 3.2 **Health and Safety Executive – “HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice.**

As the proposed development lies within the consultation distance of a major hazard site, I should be grateful if you would arrange for the HSE Planning Advice Web App 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.”

The HSE Planning Advice Web App was used and received the following advice:

“HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.”

- 3.3 **Local Lead Flood Authority** – Recommended refusal initially, but following submission of further information recommend conditions requiring that the development is carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy, the final design of the drainage scheme and submission of a management and maintenance plan for the SuDS features.
- 3.4 **Environmental Protection (Contaminated Land)** – Raised no objection and recommended the land contamination set out below.
- 3.5 **Environmental Protection (Air quality)** – Recommended an EV Recharging Infrastructure condition and a travel plan/statement condition.
- 3.6 **Environmental Health (Noise and other nuisances)** – No objections
- 3.7 **Environment Agency** – No objection subject to a planning condition relating to previously unidentified contamination. Following receipt of further information, they confirmed that the remediation strategy and surface water disposal conditions that they previously recommended are no longer required.
- 3.8 **Anglian Water** – Recommended informatives regarding assets affected and used water network.
- 3.9 **Herts Ecology** – Recommended a condition to protect breeding birds, their nests and their young and a condition to secure a Landscape and Ecological Management Plan.
- 3.10 **Urban Design and Landscape** – Provided detailed comments discussed below.
- 3.11 **Herts County Council Highways** – Does not wish to restrict the grant of planning permission subject to the conditions and informatives set out below
- 3.12 **Historic Environment Advisor, Hertfordshire County Council** – Recommended conditions. Provided a further response in relation to additional information submitted and confirmed that they continue to recommend the same archaeological conditions. Following discussion updated the wording of the pre-commencement condition.
- 3.13 **Planning Policy** – Provided comments and concluded that “Whilst the proposed scheme is not compliant with policies in the saved District Plan No. 2, it is compliant with the NPPF and the emerging Local Plan.”
- 3.14 **Transport Officer** – Provided comments on the application; but following the response from the applicant has raised no objections.
- 3.15 **Historic England** – ***“On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”***

3.16 **Waste and Recycling Team** – Recommended condition in relation to on-site storage facilities.

3.17 **South Cambridgeshire District Council** –

“From the documentation provided it appears that the application site falls entirely within the administrative boundary of North Hertfordshire District Council, and is not immediately adjoining the boundary of South Cambridgeshire District Council (SCDC).

Notwithstanding this, it is situated fairly close to this boundary and these units may have some impact on the character and appearance of the local area.

Policy E/11 of the South Cambridgeshire Local Plan 2018 states that large scale warehousing and distribution centres (B8) will not be permitted in the district. These types of ‘Class B’ units generate relatively low numbers of jobs and where large scale proposals serve national or regional functions, these should not be supported. However, where these support other employment uses or meet local needs, these types of industry could be supported.

Policy E/12 of the Local Plan support new employment development (B1, B2 and B8 uses), provided that the scale of development would be in keeping with category and scale of the village, and be in the character and scale with the location.

It is considered that insufficient information has been submitted by the applicant to make a full assessment of the scale of the units proposed and to which of the units B1c, B2 and B8 refers. No elevations have been submitted in order to make an assessment regarding the impact the proposal would have on the character and appearance of the area, particularly given its edge of town location.

Notwithstanding this, the footprints of the buildings proposed appear to be compatible with those in the immediate area and the parking appears to be adequate subject to additional information regarding the unit type for each proposed building in accordance with Policy TI/3 of the South Cambridgeshire Local Plan 2018

It is noted that the area has a number of established light industrial units and it appears that these would replace some already within the site. It is not known what employment use these current units have and what impact the proposed development would have on number of people employed within the site. In addition, there is a lack of information to demonstrate the use and whether the B8 use would serve regional or national function, with reference to Policy E/11 and E/12 of the South Cambridgeshire Local Plan 2018.

Providing that this information is provided by the applicant, South Cambridgeshire District Council does not have any objection to the proposal.”

3.18 Neighbours/site publicity

Royston Labels, 17-20 Greenfield – Representation received from the Managing Director of Royston Labels raising the following concerns:

- Royston Labels moved to this site just over two years ago, the building was refurbished costing them millions of pounds and planning granted with windows to create the right amount of light into areas of the building that needed to be utilised for the business to operate successfully.
- One of the proposed buildings in particular would sit extremely close to their building and would have a direct effect on their building as the height would be much greater than theirs and the closeness of this building to theirs will block day light into areas of their building that rely on this light for the work that they do with colour.
- They believe that the proposals would have a direct detrimental impact upon their business & the ability of their staff to work in a way which is critical for their business. They work with printed packaging & colour where daylight is critical.
- They understand the need to develop the land but believe that this could be done more sympathetically to ensure that no business is impacted in any negative way, after all they are already located here and planning permission was granted allowing windows that provide daylight to the areas where it is needed.
- This business has traded in Royston for 35 years bringing revenue & employment to the local town.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site is approximately 1.37 hectares. The site comprises unoccupied land and I understand that it has recently been used as overflow construction space for the neighbouring developments. The site is bounded to the south east by a row of industrial buildings in Greenfield. There is a vacant plot immediately to the south west of the site. Further to the south west of the site is the recently constructed Safeline building. The site is bounded by roads to the north west and north east. On the other side of the road there is a vacant plot to the north east and to the north west there is the recent Aldi and M&S development and a vacant plot. Adjacent to the north east corner of the site is a roundabout which provides access to the car park for Aldi and M&S and provides a link to the access roads off the A505. The road to the north east of the site connects to York Way and the existing industrial area.
- 4.1.2 The site is on the edge of an industrial/employment area where nearby uses are a mix of B2, B1, B8 and sui generis.
- 4.1.3 The site is designated as Rural Area Beyond the Green Belt in the adopted Local Plan. The site is allocated as RY9 in the emerging Local Plan.

4.2 Proposal

4.2.1 The Planning Statement submitted with the application sets out the proposed development as follows:

“Full Permission is sought for the following Proposed Development:

- ***3 industrial units with flexible B1(c), B2 and B8 uses***
- ***Service yards***
- ***Provision of new access spur off new link road and closure of 2 existing spurs;***
- ***130 car spaces and 44 cycle spaces;***
- ***Foul and surface water drainage strategy;***

As the application is made on a speculative basis, the final distribution of floorspace across the proposed use classes is unknown and a flexible consent is sought. The buildings offer 6,283sqm GIA floorspace in total ranging from:

Unit 1 – 3,089sqm

Unit 2 – 2,127sqm

Unit 3 – 1067sqm.”

4.2.2 The original description of the application was “Erection of B1c, B2 or B8 units with associated car parking and ancillary works.” In September 2020 the Use Classes Order was amended and one of the changes was that classes B1a, B1b and B1c and D1 have been replaced by Use Class E. On this basis the agent for the applicant has confirmed that they continue to seek a flexible consent for Class E (former Class B1a, B2 and B8 uses).

4.2.3 The proposal is to erect three units of different sizes, with associated car parking and service access. The buildings would be set at right angles to Durham Way with the three separate parking areas and service vehicle access located between the buildings. All three units would extend to the full width of the site. Unit 1 would be approximately 40m x 69m x 12.5m to eaves and 13.5m to ridge with a footprint of 2736m²; Unit 2 would be approximately 31m x 60m x 12.5m to eaves and 13.5m to ridge with a footprint of 1858m²; and Unit 3 would be approximately 23m x 39m x 10m to eaves and 11m to ridge with a footprint of 890m². They would have shallow pitched roofs. Units 1 and 2 would have windows in the west elevation facing Durham Way and vehicle roller shutter doors and entrance doors in the north elevation and personnel doors in the north, south and east elevations. Unit 3 would have entrance doors and glazing in the west and north corner elevation and a vehicle roller shutter door in the south elevation and personnel doors in the south and east elevations. The proposal is to have silver metal horizontal deep round profile panels to warehouse, deep eaves with shadow effect cladding band, blue smooth textured metal cladding panels to offices and composite metal roof panel.

4.2.4 The following supporting documents were submitted as part of the application:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment and Drainage Statement and Drainage Strategy
- Stage 2 Contamination Report – Geotechnical and Contaminated Land Risk Assessment
- Geo-environmental Preliminary Risk Assessment

4.3 Key Issues

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

- Use classes
- Recent history of the site and immediate area
- Principle of development
- Consideration of RY9 criteria in the emerging Local Plan
- Economic impact
- Visual impact on the locality
- Landscaping
- Impact on neighbouring properties
- Highways, transport, parking and servicing
- Environmental Protection matters
- Health and Safety Executive
- Flooding/drainage
- Ecology
- Archaeology
- EIA Regulations
- Planning obligations
- Sustainable development
- Planning balance

Use Classes

4.3.2 As set out above the description of the application was “Erection of B1c, B2 or B8 units with associated car parking and ancillary works.” In September 2020 the Use Classes Order was amended and one of the changes was that classes B1a, B1b and B1c and D1 have been replaced by Use Class E (Commercial, business and service issues). On this basis the agent for the applicant has confirmed that they continue to seek a flexible consent for Class E (former Class B1a, B2 and B8 uses).

4.3.3 This application has been considered on the basis the proposed use would be seek a flexible consent for Class E (former Class B1a, B2 and B8 uses). However, Class E now also covers the former Class D1 - Clinics, health centres, creches, day nurseries and day centres etc. Changes of use within the same class are not development and therefore do not require planning permission. In my view these former Class D1 uses would not necessarily be appropriate in this location as they would have different requirements for parking, may conflict with existing neighbouring uses and there may be issues with regards to impact of existing nearby uses on future occupants/service users. Indeed; the HSE consultation was carried out on the basis that the use was for workplaces not uses such as those covered by the former Class D1. The RY9 allocation in the Emerging Local Plan is specifically an employment allocation. Emerging Local Plan ETC1: Appropriate uses in Employment Areas states that: ***“Within the allocated Employment Areas, as shown on the Proposals Map, planning permission will be granted where...elsewhere within Employment Areas, development is for Use Classes B1, B2 or B8”***. As such I have recommended the following condition be imposed:

“Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended), the approved units shall only be used for uses falling under former Use Classes B1c, B2 and B8 and shall not be changed to another use, including any others within Use Class E (including those uses that fall within the former D1 Class), without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the breadth of uses encompassed within the E Class of the Use Classes Order (as it also includes uses falling within the former D1 Use Class) the Local Planning Authority seeks to retain control over any change of use that would normally be permitted, in the interests of the character and amenities of the area.”

Recent history of the site and immediate area

- 4.3.4 As can be see above there has been recent planning history on this and surrounding sites, that are of relevance when considering this application. The following applications are all on land that is currently outside Royston’s Development Limits and therefore designated as Rural Area Beyond the Green Belt in the North Hertfordshire District Local Plan No. 2 with Alterations 1996 (Saved Local Plan - SLP), but on land that is allocated as RY9 in the North Hertfordshire District Council Local Plan (2011-2031) Proposed Submission (Emerging Local Plan). As such in my view they are material considerations in the determination of this application.
- 4.3.5 Planning permission (ref. 14/01809/1) was granted for in 2015 for the erection of industrial warehouse building for the purposes within Use Class B8 (Storage or Distribution) with offices and ancillary facilities, service yard and 60 car parking spaces; erection of foodstore together with associated car parking (200 spaces); provision of new road on junction of A505 and new link road to Orchard Road Industrial Estate. The industrial warehouse with associated parking was proposed on the southern part of the current application site and the vacant plot to the south. This permission was never implemented and the planning permission is now extant, however it is a material consideration in the determination of this application in my view. However, there was a further application (ref. 17/01024/1) on the site to the north west of the current application site for the 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 was approved in 2017. This scheme has been implemented and Aldi and M&S occupy the buildings.
- 4.3.6 In 2018 planning permission (ref. 17/04357/FP) was granted for erection of a new industrial building within Class B1c with offices and associated facilities, access, service yard, car and cycle parking and landscaping on a plot of land to the south of the site. This is the Safeline building that has been constructed recently.
- 4.3.7 In 2018 planning permission (ref. 18/02819/FP) was granted for a proposed Coffee Shop unit (mixed A1/A3 use) with drive through facility, external seating area and associated car parking, access road, signage and landscaping. This is the Costa Coffee shop that has been built to the north of the application site.

- 4.3.8 In 2019 planning permission (ref. 18/02892/FP) was granted for erection of B1c, B2 and B8 units with ancillary Trade counter and associated car parking, service yards and access road. This is on the site to the north east of Costa Coffee and has not yet been constructed.
- 4.3.9 It is also worth noting applications ref. 04/01997/1 and ref. 10/02628/1 referred to above. These relate to a site to the north of the application site. The 2004 application was granted by the Royston Area Committee contrary to the recommendation of the then Area Planning Officer. Planning permission was granted for the same development in 2010 by the Planning Committee. This permission was never implemented.

Principle of development

- 4.3.10 The Planning Policy Team were consulted on the application and made the following comments:

“1. The proposed site is situated south of the A505 and Durham Way and to the north west of the Orchard Way industrial area and industrial units on Greenfield. The development proposed is for three B1C, B2 and B8 units, providing new business units in Royston.

2. Starting with the NPPF, paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

3. In the current development plan, District Plan No2, the area is outside the Royston development limit, Saved Policy No. 9 – Royston Development Limits. The policy states that only proposals which are acceptable in the rural area beyond the green belt would be acceptable. The development described in the application would not be acceptable in these policy terms.

4. However, the policy approach to development in this location in Royston has changed significantly in the emerging Local Plan.

5. The proposed settlement boundary for Royston has been drawn along the A505 and the site in question is proposed to be allocated in Policy RY9 as an employment site. As such, the proposal would be acceptable in the emerging policy framework.

6. Paragraph 48 of the NPPF provides advice on weight which might be given to the emerging policy having regard to:

- i) The stage the preparation the plan has reached***
- ii) The extent of unresolved objections; and***
- iii) The extent to which the proposed new policies are consistent with the NPPF.***

7. The emerging Local Plan is at a well advanced stage in preparation and consultation on proposed modifications has taken place. There are outstanding objections to the allocation in the Local Plan and the emerging policy could be subject to further modification by the Inspector, which might affect the criteria to be considered in a full application.

Conclusion

8. The applicant has applied for the erection of three B1C, B2 and B8 units and associated parking. Whilst the proposed scheme is not compliant with policies in the saved District Plan No. 2, it is compliant with the NPPF and the emerging Local Plan.”

4.3.11 This site is outside of Royston’s development limits in the Saved Local Plan and therefore falls within the remit of Policy 6: Rural Area beyond the Green Belt. However, the site falls within Employment allocation RY9 in the Emerging Local Plan.

4.3.12 The adopted 1996 Local Plan and accompanying Proposals Map designates the site as being within the Rural Area Beyond the Green Belt, where under Policy 6 it seeks to maintain the existing countryside and its character. In my view the proposal would fail to comply with Policy 6.

4.3.13 The adopted Local Plan is however relatively old, with local and national planning policies having changed and evolved since its 1996 adoption. The Emerging Local Plan (ELP) is now at an advanced stage towards adoption having gone through a public examination process, and has had Modifications published (November 2018) which underwent public consultation from January to April 2019. At the Inspector’s request further hearing sessions were scheduled for March 2020, but these were postponed due to the situation with COVID-19 and are taking place at the time of writing this report in November and December 2020. The employment allocation RY9 was not an issue to be discussed at these hearing sessions.

4.3.14 The ELP as had been put forward for examination (the October 2016 Submissions version) allocated an area including the application site as RY9 for employment. This had been carried forwards in the Modifications and is now its own policy. In light of the examination Inspector’s letters of 9th July 2019 and 9th August 2019 and the Inspector’s Schedule of Further Matters, Issues and Questions for further hearing sessions, the ELP and its Modifications can therefore be given significant to moderate weight with regards to policy considerations relevant to the application site, in my view.

4.3.15 National planning policy has changed with the publication of the NPPF, updated in 2018. Paragraph 11 of the NPPF states that with decision-making this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.”

- 4.3.16 The NPPF sets a test as to whether a proposed development is sustainable development with regard to its economic, social and environmental impacts and that there is a presumption in favour of sustainable development. Policy 6 of the adopted Local Plan is only compliant with NPPF in respect of the environmental dimension. 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 with any other harm which may be identified. 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.
- 4.3.17 The site is within allocated site RY9 in the ELP, which is designated for employment purposes and therefore development. As the ELP has reached the Modifications stage and RY9 is its own Policy, this is given significant to moderate weight. 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.
- 4.3.18 Other material considerations are previous planning permissions granted on land near the application site, which have together approved development of part of RY9 and some of which have been implemented (see above).
- 4.3.19 The previously undeveloped area of land RY9 is now transitioning towards being fully developed for employment purposes with internal access roads and roundabouts having been completed, and land re-grading and new food stores having been completed. Given the weight to be attached to the ELP, previous planning permissions and as the proposal would provide employment use within RY9, the proposed development of the site for Class E (former B1C, B2 and B8 units) is considered acceptable in principle.

Consideration of RY9 criteria in the emerging Local Plan

- 4.3.20 The site is within the RY9 employment allocation in the Emerging Local Plan and there are five site specific criteria:
- ***“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;***
 - ***Compensatory or offsetting measures for loss of existing grassland habitat.”***

- 4.3.21 With regards to the second point the application for the food store buildings (17/01024/1) covered the cost of the new access road off the A505. The Highways Authority were consulted on this application and have not advised that any upgrades are required to this access as a result of the proposed development of this site.
- 4.3.22 The other criteria have all been addressed as discussed below by the responses received from the Health and Safety Executive, Lead Local Flood Authority Environment Agency, Historic England and Hertfordshire Ecology.

Economic impact

- 4.3.23 The proposed units are speculative, however in the Planning Statement the following is stated with regards to employment opportunities.

“Overall, there is a potential opportunity for up to 115 Full Time Equivalent jobs if all the floorspace take up for these 3 units was solely for B1c light industrial occupier ranging through to 95 FTE jobs based on a B8 multiplier. There is a good level of job opportunities across these plots in any of the use classes being sought through this application.”

- 4.3.24 The proposal would also have positive impact in terms proposed employees using local shops and services and there would be a small increase in the need for support services. The proposal would have clear economic benefits.

Layout and design and visual impact on the locality

- 4.3.25 The proposal would result in the whole site being developed with buildings and hardstanding, which would contrast with its previously undeveloped state and character.
- 4.3.26 The proposal would completely change the character of the site. However, this is acceptable given the site is included within RY9 which is designated for new employment development. RY9 does not set detailed criteria concerning site coverage, density, height, design etc. Almost the whole site would be developed, however this would be comparable to other individual sites within the adjacent existing employment area and would also maximise the potential of the site for new employment, and is considered acceptable. There are no objections to the layout of the site with three buildings with two parking and servicing areas in between.
- 4.3.27 The site is visible from the A505 Royston bypass and is also likely to be visible from Therfield Heath, the SSSI to the south west of Royston Gateway.

4.3.28 The Landscape and Urban Design Officer made detailed comments on the application. She reached the following conclusion on the application as originally submitted:

“I have several concerns about this application partly due to the limited information on some issues.

i) There is no information on the impact of the proposal on longer distance views from Therfield Heath and from views to the north and west of the site.

ii) There is a lack of information on the relationship between these units and the surrounding development in terms of scale and bulk.

iii) There is no detailed information on boundary treatments, hard surfacing and soft landscaping. Will the site be open along the Dunham Way frontage? The proposal appears to develop the full extent of the site without providing any landscape or ecological benefits.”

4.3.29 The Landscape and Urban Design Officer reached the following conclusion on the further information submitted in July 2020:

“As well as lack of space for planting around the perimeter of the site there does not appear to be any consideration of planting within the site. The three buildings and the hard surfacing for access and parking take up most of the site area. I would expect to see planting within the site for screening, shading and biodiversity benefits.”

4.3.30 I shared her concerns. My main concern with regards to the design of the buildings was the height of the proposed buildings and I contacted the agent for the applicant and asked them to consider reducing the height and bulk of the buildings if possible. I also advised that in my view the proposed buildings would be more favourably considered if they had graded panelling on the walls and roofs to make the buildings appear more recessive. It was acknowledged that graded panelling tends to work better on buildings that have a flat roof; therefore, it was suggested that the design be amended so that the buildings have a flat roof or included grading on the roofs. Whilst it is disappointing that further information has not been submitted to demonstrate the impact of the proposal on the longer distant views and on the relationship between these units and the surrounding development in terms of scale in bulk, in my view sufficient information has been submitted to assess the application. The comments from South Cambridgeshire District Council are also noted. However, the application included site sections which show the proposed buildings in relation to the surrounding buildings.

4.3.31 The agent provided a detailed response with regards to the building design which is copied below:

“The proposed units are for modern industrial and/or non-strategic warehousing, in conformity with the allocation Policy RY9 in the North Herts replacement local plan (as proposed to be modified). Their function largely dictates the overall design and scale. Any reduction in height would be sub-standard for units within the medium-scale range (10- 50,000 sqft) and less attractive to occupiers. There is demand for this type of space (as advised by Bidwells Commercial Team) given the lack of available space locally.

The allocation of the site (RY9) within the North Herts Local Plan review is supported by a sustainability assessment and employment paper that concludes the site is appropriate for commercial development within the B classes. The accompanying economic evidence identified the decline of industrial space within the district and the potential that this site can deliver industrial and B8 land to support the success of the York Way industrial area.

Specifically, the North Hertfordshire Employment Land Review acknowledges the lack of sites for 1,850sqm units and above, identifying the opportunity for the land north of York Way to deliver new stock to the market.

The request to replace the pitched roof with a flat roof in the design has not been possible to accommodate having regard to potential occupier demand. Maintaining the roof slope in its current form allows for the proposed rooflights and provides an opportunity for solar panels.

The request for graded panelling to the elevations is noted however we do not consider that to be an appropriate response in this location and for this scale of buildings. The suggested graded panels are typically used on larger buildings with bigger footplates and higher eaves and work better with parapet eaves details. The proposed silver profiled cladding with a dark grey for the top 1m to create a shadow gap fits in with the character of other units on the business park and wider York Way estate and is an effective colour within longer distance views (as demonstrated by the newly constructed Safeline building to the western edge of Durham Way). Whilst the roofs have shallow pitches, they will be finished in the lighter shade for consistency.

The established industrial estate along York Way/Orchard Road has a variety of different building forms and scales, predominantly larger than the proposed scheme. The proposal intends to offer good quality buildings to the local market. The relevant draft policy seeks B class uses and the proposed building form is suitable and entirely appropriate in this location.

The site does not lie within any nationally designated area for reasons of its landscape character or quality, such as National Park or Area of Outstanding Natural Beauty. However the northern part of Royston, comprising the established industrial estate and the allocation RY9 - which includes the site - is visible from some advantage points within Therfield Heath, a local nature reserve and a SSSI site, within its long range views to the north across the A505 towards Cambridgeshire.

The need to create a relatively uniform height of development across Royston Gateway Business Park by reference to other buildings is not justified or evidenced by other planning permissions on the site. Previous (larger) schemes within the wider allocation and on part of the application site have been the subject of detailed Landscape and Visual Assessments and been considered acceptable (up to 18.8m high) which concluded that the new employment area should read in the context as an extension of the existing employment area. For example, the unimplemented building that has planning permission for B8 use on part of the application site and on the adjacent land to the west (14/01809/1 granted in February 2015 “The 2015 Permission”) was considered appropriate for its site and context. The approved scheme comprised a single 6,500sqm unit of flat roof design up to 18.8m high. It was concluded by the Council that there was no adverse impact arising in landscape assessment terms relative to that site (which incorporates the area proposed for unit 1) that should lead to a different conclusion being reached for this application.

The existing trees and vegetation continue to restrict views from the Gallops, The Hopscotch and the eastern visitor’s car park of the heath. Where glimpsed views are possible, such as at the higher ground at the top of Therfield Road, these views include the site in the context of the whole commercial/industrial area and specifically the background of the existing buildings and tall structures within York Way/Orchard Road.

For the majority part, there are no or limited glimpsed views towards the allocation and this site. The Council has accepted a level of change through the planned extension of the RY9 employment allocation. As mentioned above, the area of this site that contains the larger unit 1 has been assessed and it was accepted that a taller/bigger building could be accommodated within the long-distance views to/from the heath. It must follow that this proposal for 3 smaller buildings can equally be accommodated without overall harm to the wider landscape character.”

4.3.32 It is disappointing that the height and bulk of the proposed buildings has not been reduced and it is acknowledged that they would be large buildings that are taller than surrounding buildings. However, on balance I consider that the overall size, siting and design of the buildings would be acceptable and there would not be any sustainable reasons to withhold planning permission. Notwithstanding this a condition is recommended requiring samples/details of external material to be submitted approved, so the colour and possible grading of the panelling can be discussed at the discharge of condition stage.

4.3.33 One of the RY9 site specific criteria is:

“Sensitive design / layout considering views to and from the Scheduled Ancient Monuments located on Therfield Heath;”

4.3.34 Historic England were consulted on the application, however commented as follows:

“On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”

4.3.35 The Council’s Landscape and Urban Design Officer has raised concern that there is no information on the impact of the proposal on longer distance views from Therfield Heath and from views to the north and west of the site. This information was requested, but has not been submitted, which is disappointing. However, in my view the proposed development would read against the existing industrial buildings and would be acceptable in its context, therefore this would not be a sustainable reason to withhold planning permission.

Landscaping

4.3.36 As set out above, the Landscape and Urban Design Officer provided detailed comments with regard to the proposed landscaping. In response revised site layout drawings were submitted which showed additional information on the proposed landscaped areas and a detailed planting scheme was submitted. The Landscape and Urban Designer has viewed the amended plans and raised some further queries. It has been agreed that the maintenance schedule/strategy for the planting can be conditioned. The Landscape and Urban Design Officer would have liked to have seen planting within the car parking areas to provide shade and screening, but the agent has said that this is not desired or practical for the small areas of the car parking so they have opted to plant/screen the edged and endstops. The Landscape and Urban Design Officer has said that this is accepted, although the best outcome would have been tree planting within the parking areas. The agent has clarified that no fencing is proposed along the road frontage and that the grass verges outside the site boundary are public highways so are HCC’s responsibility.

4.3.37 Royston Town Council requested some smallish trees to be included within the development. Several trees are now proposed and shown on the revised plans both along the Durham Way frontage and within the parking areas.

4.3.38 As such I have recommended a condition requiring a detailed landscaping scheme to be submitted and approved in writing by the Local Planning Authority and a standard landscaping completion condition.

Impact on neighbouring properties

4.3.39 The application site is nearby an industrial/employment area and supermarket; and is not close to any dwellings.

4.3.40 Following receipt of the representation from Royston Labels, the business occupying the neighbouring property, I contacted the agent for the application. I asked them to confirm that the proposed development would not adversely impact the light levels to these windows in the north west elevation of the adjacent building. I advised that they may need to amend the scheme to address this issue or demonstrate that they have taken this into account in the design of the scheme. I also drew to their attention that similar concerns were raised when the previous application (ref. 14/01809/1) was being considered on the site. At the time there were only three windows in the elevation facing the application site, but planning permission had been approved for some 11 windows in the northern flank elevation for the existing units. The previous scheme on the site was amended to reduce the impact on the neighbouring property following discussions between the applicant and the neighbouring business.

4.3.41 The agent for the applicant on the current application responded to this issue as follows:

“This building currently has 6 windows along its rear elevation, 1 of which will overlook the southern corner of unit 1. An additional plan prepared by F&C – drawing 113_423.4-sk07 rev P02 is attached to this letter which demonstrates that this window will not be unacceptable blocked. The corresponding internal layouts for the NMA application that approved this window (17/02725/1NMA) indicates this provides a secondary light source for a manager’s desk (Fig 5 below). We observe that the principle light source remains the rooflights.

We also note that the original permission for works to 17-20 Greenfield in 2014 approved 8 new windows in addition to the 3 that existed at the time of application (Fig 1 below).

Subsequently (and post the 2015 Permission for the large warehouse on this site -14/01809/1) an NMA was granted for 17-20 Greenfield to alter the elevation and effectively only retain the original 3 windows (figure 2 below). At the time of that permission, the existing 3 windows were deemed sufficient for the company’s operational activities, and the main light source has always been via the rooflights – extract reproduced below at fig 4. A further Revision was applied for and granted in November 2017 which introduced the window along the elevation closest to unit 1 (figure 3 below). This consent was implemented and was done so in the full knowledge that there was an extant planning permission for a larger warehouse to the west (Fig 6 below).

It was previously acknowledged that the existing buildings off Greenfield were commercial in nature and unlike residential development, there was less expectation that such units would need a protected elevation in terms of natural light or aspect (view). It is reasonable to conclude that any commercial processes which may need natural light can continue to be serviced adequately by the existing rooflights, as previously accepted and will not be prejudiced by proposed location of Unit 1 close to one of the rear windows.”

4.3.42 These comments are noted. The additional plan submitted demonstrated that the proposed building (Unit 1) would appear to only extend beyond one of the windows and the approved plans indicate that this serves a studio manager's office which is also served by other light sources (rooflights). It is disappointing that the scheme has not been amended to address these concerns and I am sympathetic to the concerns raised by the neighbouring business. However, given that the adjacent building is commercial, rather than residential, and given that commercial process which may need natural light could be serviced by rooflights or take part in other parts of the existing Greenfield offices, in my view loss of light to the adjacent commercial property would not be a sustainable reason to withhold planning permission..

Highways, transport, parking and servicing

4.3.43 The Planning Statement submitted with the application sets out the following regarding the proposed vehicle and pedestrian access:

“The new link road, known as Durham Way has been constructed in accordance with the design approved under planning permission 17/01024/1. This included a number of junction spurs to serve future phases of development. Following a detailed design review, it is necessary to adjust the position of existing spurs that affect the application site. The proposed scheme seeks to close off two of the existing spurs and create one alternative spur. The remaining spur is appropriate for the development. As a result, Unit 1 will have a dedicated access. Units 2 and 3 have a shared access.

Four pedestrian access points are also now proposed across the existing highway verge to connect the development parcels to the new footpaths along Durham Way on suitable desire lines for each unit (i.e. to M&S/Aldi to the north and Costa cabin to the east).”

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

4.3.45 The Council's Transport Officer was consulted on the application and provided feedback. The Council's SPD gives the guidance of 1 space per 40sqm gfa if mixed B1/B2/B8 (unless heavily orientated to B8) for use where individual land use components are not known. 130 spaces are proposed. The Transport Officer advised that by his calculations the maximum standard for this development would be 157. This was queried with the agent for the application who provided the following response:

“As noted by the Transport Officer, the proposed car parking is close to, but not at the maximum levels contained within the SPD. The SPD guidance is expressed as a maxima, and in this case, it is considered that 130 car spaces are appropriate when balanced with the provision of more than double the minimum requirements for cycle spaces and the general location and accessibility of the site to non-car modes of travel for staff. This site is opposite the new bus stops within Durham Way and close to the York Way stops. There is a safe and convenient footpath network connecting Durham Way to York Way and the town centre.

We noted the Royston Town Council comments regarding cycle parking. The scheme already includes 44 cycle spaces (against the 19 minimum provision to accord with standards). We consider this level of provision, at more than double the policy standard, is suitable for this development reflecting its accessible location.

I have discussed this with the Council's Transport Officer and he does not object to the proposals and as such it is considered that the level of parking provision would not be a sustainable reasons to withhold planning permission. It is acknowledged that the site is close to bus stops and is within walking distance of the train station. It is noted that the cycle parking provision would exceed the standards required in the Supplementary Planning Document. A condition requiring the vehicle and cycle parking to be provided and maintained has been recommended.

- 4.3.46 The Waste and Recycling Team recommended conditions in relation to a circulation route for refuse collection vehicles and on-site storage facilities. Further information was provided on amended plans. The agent confirmed the following in relation to this matter:

"The revised plans now show the specific location of the refuse areas within the service yards.

To accord with the Herts guidance on refuse provision, two 1,100litre bins are proposed per unit (1 x general waste; 1 x recyclables) to provide a minimum 2 days storage. These will be managed by private collection and the HGV turning areas are entirely appropriate for contractors refuse vehicles. We confirm that general waste and recyclables can be accommodated within the rear service yards with ample space for additional provision if required by future occupiers."

Following re-consultation on this further information received the Waste and Recycling Team confirmed that there were no further issues from a Waste perspective, but that they would still recommend the condition in relation to on-site storage facilities as set out below.

Environmental Protection matters

- 4.3.47 The Environmental Protection Officer (Air Quality) was consulted on the application and amended plans. He has confirmed that the application of the NHDC Air Quality Planning Guidance to a development of this scale and location defines the site as being a medium scale development. For TYPE 2 (MEDIUM) developments require the default mitigation for TYPE 1 (MINOR) developments, requiring an appropriate level of EV charging points (as detailed below), and in addition a detailed travel plan. As such he recommended a condition that the development shall include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points. Given that there will be a move towards electric vehicles in my view the site provides the opportunity to provide more EV ready charging points and I requested that they considered this. The agent responded as follows:

“Electric Charging points: The scheme proposed 5% initial provision (6 spaces) with a view to increasing up to 10% on demand post occupation. As part of the revised plans, the applicant has added a further EV charging post to increase the initial on-site provision by a further 2 spaces for the largest unit 1, bringing the total proposed to 10 spaces (7.6%).”

4.3.48 The Environmental Protection Officer made the following comments with regards to the revised plans:

“In respect of EV charging provision the requirements as stated in the NHDC Air Quality Planning Guidance for residential accommodation is as detailed below:

Prior to occupation, the new development shall incorporate an appropriate number of Electric Vehicle (EV) ready charging points as follows:

The development shall include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points.

The 10% provision will be phased with 5% initial provision and remainder at an agreed trigger level (usage).

The proposal for Electric Charge Points now includes the following:

Electric Charging points: The scheme proposed 5% initial provision (6 spaces) with a view to increasing up to 10% on demand post occupation

As part of the revised plans, the applicant has added a further EV charging post to increase the initial on-site provision by a further 2 spaces for the largest unit 1, bringing the total proposed to 10 spaces (7.6%)

This revises the proposed initial EV charging provision as below:-

Unit 1 - three posts serving 6 spaces

Unit 2 - one wall mounted unit serving 2 spaces

Unit 3 - one wall mounted unit serving 2 spaces

As the total number of proposed parking spaces is 122, the full 10% provision will require a total of 12 EV charge points.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.”

4.3.49 As such I have recommended a condition requiring that the development shall include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points. I have also recommended a condition that a travel plan/ statement be submitted and approved by the Local Planning Authority prior to occupation. A Travel Plan Statement was submitted with the application and I understand that they could submit this as part of the application of approval of details reserved by condition, but they must appoint a Travel Co-ordinator as required, and notify us of who that will be.

- 4.3.50 The Environmental Health Officer (Noise and other nuisances) was consulted on the application and confirmed that due to the location of the proposed development and the absence of any nearby residential dwellings they have no objections to the application.
- 4.3.51 The Environmental Protection Officer (Contaminated Land) was consulted on the above application and confirmed that they have no objection to this application, with respect to contamination on land. They made the following comments.

“Following the above-mentioned desk study and subsequent intrusive investigation, Nott Group conclude that, based on their findings to date, no remedial action is indicated to be necessary with respect to potential risks to human health and the environment, associated with potential contamination on land at this site. However, they recommend that, following removal of an electrical cable running from an electricity substation on the South Western boundary of the site, and crossing part of the site at the time of the investigation, soil sampling and subsequent analysis for PCBs, should be undertaken. I agree that this is necessary, and that the results of this analysis should be assessed, in order to determine whether they indicate any necessity for remediation/ risk management measures.”

As such the Land Contamination condition below is recommended.

Health and Safety Executive

- 4.3.52 The application site falls within the HSE Consultation Zone due to the proximity of the Johnson Matthey business and its historic use of hazardous substances. The Health and Safety Executive were consulted and provided the following advice:

“HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain our advice.

As the proposed development lies within the consultation distance of a major hazard site, I should be grateful if you would arrange for the HSE Planning Advice Web App 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.”

- 4.3.53 The HSE Planning Advice Web App was used and received the following advice:

“HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.”

4.3.54 It is noted from the Planning Statement that none of the buildings are likely to have 100 or more occupants at any one time, but that the future occupier is unknown so when using the Planning Advice Web App the scenario that the buildings could have more than 100 occupiers was used. As mentioned above, the HSE consultation was carried out on the basis that the use was for workplaces not uses such as those covered by the former Class D1, such as clinics, health centres, creches, day nurseries and day centres etc. However, a condition is recommended that the approved units shall only be used for uses falling under former Use Classes B1c, B2 and B8 and shall not be changed to another use, including any others within Use Class E (including those uses that fall within the former D1 Class), without first obtaining a specific planning permission from the Local Planning Authority.

Flooding/drainage

4.3.55 The Lead Local Flood Authority and the Environment Agency were both consulted on the application. Following receipt of further information neither not objected to the proposal and both have recommended conditions as set out below. As such it is considered that any existing surface water flood risk issues have been satisfactorily addressed.

Ecology

4.3.56 Hertfordshire Ecology were consulted on the application. They have raised no objections subject to a condition to protect breeding birds, their nests, eggs and young, because the application will require the destruction of rough grassland. They also recommend a condition requiring a Landscape and Ecological Management Plan be submitted and approved prior to the commencement of development.

Archaeology

4.3.57 The Historic Environment Advisor, Hertfordshire County Council was consulted on the application.

“The proposed development is large in size and in an area that may have archaeological potential – relatively close to Ermine Street Roman road, the Icknield Way (a prehistoric routeway) and Therfield Heath, where prehistoric archaeology of national significance can be found. Roman and medieval archaeological remains have been found within Royston itself, and the proposed development site can be judged to have at least a theoretical potential for Roman remains.

During archaeological investigations prior to the construction of the Redrow/Baldock Road housing development to the south, an enigmatic square ditched enclosure was discovered and radiocarbon dating to the Middle Saxon period (Oxford Archaeology East 2019). Given the quantity and nature of the finds recovered and its location close to the prehistoric barrows on Therfield Heath it was interpreted as a possible shrine.

The archaeological potential of this proposed development site is not such that we would recommend any evaluative works are necessary prior to the determination of the planning application. However, primarily due to the large scale of the development and the general archaeological potential of the countryside, the development area should be evaluated at some point prior to development commencing.

I believe that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant consent:

They went on to recommend the archaeological conditions as set out below, including a pre-commencement condition. The applicant has submitted further information and a response to the request for a pre-commencement archaeology condition by the Historic Environment Advisor. They concluded as follows:

“Accordingly, we do not agree with the proposed pre-commencement condition proposed by the Historic Environment Advisor. There is no basis for requesting comprehensive trial trenching to be undertaken before the start of development on this site. The reasons given do not reflect the results of the 2018 and 2019 archaeological reports for the land south of the rail line which state a dearth of findings. The conclusion drawn is not justified. Furthermore, to date, no below ground archaeology has been revealed on the wider Durham Way site or on the part of the application site that already benefits from planning permission.”

4.3.58 The Historic Environment Advisor has been consulted on the further information and response from the applicant. They have provided the following response:

“Thank you for consulting me on additional information submitted in relation to the above application.

The applicant has challenged the validity of the archaeological conditions on the following basis:

- 1. They argue that the significance of the enclosure to the south was overstated.***
- 2. They argue that construction works, including geotechnical works, at adjacent sites have not revealed any archaeology.***

My reasoning for the recommended archaeological conditions was as follows:

- However, primarily due to the large scale of the development and the general archaeological potential of the countryside, the development area should be evaluated at some point prior to development commencing.

In regard to point (1), I have forwarded a more up to date and extensive report by Oxford Archaeology on this enclosure which interprets it as a possible Middle Saxon shrine. I acknowledge that this in itself is likely to be an isolated site, however it is evidence of the kind of archaeology that is present in this landscape, and an example of the general archaeological potential of the countryside.

With point (2), no archaeological evaluation took place on any of the sites mentioned, because this office was not consulted. Had we been, we would have strongly recommended that one take place. Archaeological features, should they have been present, are very unlikely to have been identified by non archaeological groundworkers, or in boreholes or small machine dug test pits.

I continue to recommend the same archaeological conditions. The applicant's agent has contacted me separately to determine whether a watching brief during construction groundworks, rather than an evaluation, would be a reasonable approach.

I am not against this, although I would argue that the expense of paying for archaeologists to be present throughout groundworks, plus the delay, disruption and expense caused if unexpected remains are found, often is more detrimental to a developer than an up-front evaluation. An evaluation before development starts shows the archaeological potential of the site once and for all, and may be the end of the archaeological requirements.

The recommended conditions remain the same regardless, but I am more than happy to consider the watching brief approach."

With the agreement of the Historic Environment Advisor the wording of the pre-commencement archaeological condition has been amended slightly to reflect the above. The agent for the applicant has confirmed their agreement to this updated pre-commencement condition as recommended below.

EIA Regulations

4.3.59 With regards to the EIA Regulations (2017) the following information has been presented in the Planning Statement:

"The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2017 describes certain types of developments ('Schedule 1 and Schedule 2 development') that require EIA. The proposals, subject of this application, do not fall within any categories of development within Schedule 1 and thus EIA is not required under these provisions.

Schedule 2 of the EIA Regulations describes certain types of development where EIA may be required if the development has the potential (likelihood) to give rise to 'significant' environmental effects. Under Schedule 2 (10a) of the EIA Regulations, the threshold for "Industrial estate development" is if "the area of the development exceeds 0.5 hectares". At 1.37 hectares, the application Site is over this threshold, and therefore, is considered to be Schedule 2 development requiring screening.

However, the Site was included within the red line boundary for a Screening Opinion issued by the Council in 2014, which considered the 11ha wider site and development proposed in relation to planning permission 14/01809/1. The proposed development subject of the Screening Opinion covered a greater site area and amount of development, than proposed under this standalone application and it was determined that the development would not have significant environmental effects warranting EIA.

There have been no significant changes in the environmental considerations, since the original Screening Opinion was issued. There are no other committed development sites within the local area which would be of sufficient scale to lead to concerns over the cumulative impact of the proposed development at Royston Gateway.”

- 4.3.60 This assessment is accepted and as such a screening opinion has not been requested by the applicant in relation to this application.

Planning obligations

- 4.3.61 The proposal is major development by virtue of a floor area of over 1000 m²; and is considered eligible for Section 106 legal contributions. Hertfordshire County Council as Highway Authority have not sought any contributions towards sustainable transport. It has been set out above that the Council does not consider a Travel Plan/Statement by S106 necessary, as it can be required by condition. It is not therefore considered that the application requires planning obligations.

Sustainable development

- 4.3.62 The proposal has to be assessed as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole (as set out in paragraph 11 d).
- 4.3.63 The proposal is not considered to result in harm to the character of the locality and is consistent with the LPA objective of developing the wider area RY9 for employment. The proposal would provide employment, benefits to the locality through the provision of additional employment, and would potentially allow for this part of the RY9 to be developed relatively quickly resulting in a visual improvement from its present condition. It is considered that the proposal complies with the objectives of RY9 of the Emerging Local Plan.
- 4.3.64 In taking into account all material considerations, the proposal would provide benefits and is not considered harmful. Given that no other harms would result, the proposal is considered sustainable development and would not conflict with the NPPF and local policies.

Planning balance

- 4.3.65 As set out above the previously undeveloped area of land RY9 is now transitioning towards being fully developed for employment purposes with internal access roads and roundabouts having been completed, and land re-grading and new food stores having been implemented. Given the weight to be attached to the Emerging Local Plan, previous planning permissions and as the proposal would provide employment use within RY9, the proposed development of the site for Class E (former B1C, B2 and B8 units) is considered policy compliant and a benefit which attracts moderate weight in the planning balance.
- 4.3.66 It is considered that the proposed development would meet an economic objective by providing space for employment opportunities across a range of uses and could increase economic activity in Royston. The scheme has been designed to encourage sustainable forms of transport. It is acknowledged that the proposal would have a visual impact, but it is considered that this would be within the range of acceptable. It is considered that the proposal would not have an adverse impact on the natural, built and historic environment. As such it is considered that the proposal would meet the social and environmental objectives as set out in paragraph 8 of the NPPF.
- 4.3.67 On balance, it is considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, in line with paragraph 11 of the NPPF.

4.4 Conclusion

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

Alternative Options

None applicable

Pre-Commencement Conditions

- 4.4.2 The agent for the applicant has confirmed their agreement to the pre-commencement conditions.

Climate Change Mitigation Measures

- 4.4.3 Emerging Local Plan Policy D1: Sustainable Design states that:

“Planning permission will be granted where development proposals...take all reasonable opportunities, consistent with the nature and scale of the scheme, to reduce energy consumption and waste.”

- 4.4.4 In their response to my feedback on the application the agent for the applicant has stated that: "Maintaining the roof slope in its current form allows for the proposed rooflights and provides an opportunity for solar panels." As such I do not consider it would be unreasonable to impose the following condition:

"Prior to commencement of the development details of the solar panels should be submitted to and approved in writing by the Local Planning Authority. The approved solar panels shall be implemented on site.

Reason: To mitigate the impact of the building on climate change in line with Policy D1 of the Emerging Local Plan."

- 4.4.5 As set out above a condition is recommended requiring EV re-charging points. The scheme would provide more cycle parking than that required by the Supplementary Planning Document.

5.0 **Legal Implications**

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

6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions

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

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

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

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended), the approved units shall only be used for uses falling under former Use Classes B1c, B2 and B8 and shall not be changed to another use, including any others within Use Class E (including those uses that fall within the former D1 Class), without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the breadth of uses encompassed within the E Class of the Use Classes Order (as it also includes uses falling within the former D1 Use Class) the Local Planning Authority seeks to retain control over any change of use that would normally be permitted, in the interests of the character and amenities of the area.

4. 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.

5. Notwithstanding the submitted plans, 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.

6. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

7. Prior to first occupation a maintenance schedule/strategy for the planting shall be submitted to and approved in writing by the Local Planning Authority. The approved maintenance schedule/strategy shall be implemented and complied with.

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

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

Reason: To ensure the provision of satisfactory vehicle and cycle parking and loading/unloading facilities clear of the public highway to meet the needs of the development.

9. Prior to commencement of the development as defined on Drawing Number 113_423.3-0706 revision P04 and 113_423.3-0706 revision P05 detailed drawings of all highway works shall be submitted and approved in writing by the Highway Authority.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

10. Before the access is first brought into use, as defined on Drawing Number 113_423.3-0706 revision P04 and 113_423.3-0706 revision P05, vehicle to vehicle visibility splays of 2.4 metres by 43 metres to the both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

11. 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 any of the country lanes in the area and shall be carried out as approved.

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).

12. No part of the development shall be occupied until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

13. In order to protect breeding birds, their nests, eggs and young, the clearance of vegetation should only be carried out during the period 1 October to 1 March. If this is not possible then a pre-development (ie no greater than 48 hours before demolition begins) search of the area should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed.

Reason: In order to protect breeding birds, their nests, eggs and young.

14. Prior to the commencement of development, a Landscape and Ecological Management Plan should be prepared and submitted to the Local Planning Authority for approval, detailing how it is planned to incorporate biodiversity as part of the development. Thereafter, the works shall be carried out in accordance with the approved Biodiversity and Landscape Plan.

Reason: In order to secure a biodiversity gain.

15. This site shall not be occupied, or brought into use, until:
- (i) The electrical cable running onto the site from the electricity substation on the South Western boundary, has been re-directed.
 - (ii) Appropriate soil samples have been taken from parts of the site immediately adjacent to the sub-station, and these have been analysed for concentration of PCBs.
 - (iii) The results of the analysis required in (ii), have been subjected to a risk assessment, to determine whether remediation, or other risk management measures, are required in relation to any excessive concentrations of PCBs which may be measured at the site, with respect to their potential to represent a risk of harm to human health, and the built and natural environment.
 - (iv) (Should any such remedial or risk management measures be found to be necessary), a Remediation Method Statement report has been submitted to, and approved by the Planning Authority.
 - (v) All works which form part of any Remediation Method Statement report found to be required, have been fully completed and, if required, a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (vi) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
 - (v) Any contamination, other than that reported by virtue of Parts (i) and (ii), 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. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF) paragraphs 170, 178, 179, Environment Agency Groundwater Protection Position Statements and Policy SP11 of the North Herts District Council Local Plan.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy carried out by GWD Consulting Engineers dated 31 July 2020 reference P67/02 (v3.1), submitted and 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. Undertaking appropriate drainage strategy based on infiltration and to include permeable paving and soakaways.
 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 + 40% climate change event.
 4. Implementing drainage strategy as indicated on the drawing Drainage Strategy drawing reference 42176-SK-001.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

18. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy carried out by GWD Consulting Engineers dated 31 July 2020 reference P67/02 (v3.1). The scheme shall also include;
1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 2. All calculations/modelling and drain down times for all storage features.
 3. Exploration of opportunities for above ground features reducing the requirement for any underground storage and silt traps for protection for any residual tanked elements.
 4. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
 5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

19. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

20. Prior to first occupation a detailed travel plan/statement shall be in place with reference to the Travel Plan Guidance' at www.hertsdirect.org
The applicant shall submit and have approved by the Council an appropriately detailed Travel Plan/Statement to promote sustainable travel.
- o The content of the travel plan/statement shall be fully assessed prior to its approval in conjunction with local authority officers.
 - o The agreed targets and objectives included in the travel plan/statement are secured for implementation by mutual agreement of the local authority and the developer/applicant.
 - o The outputs of the travel plan/statement (typically trip levels and mode split) are annually monitored against the agreed targets and objectives.
 - o Should the travel plan/statement not deliver the anticipated outputs or meet the targets and objectives further mitigation/ alternative/ compensation measures need to be identified and implemented.
 - o A named co-ordinator is required for success of the travel plan/ statement..
- The approved travel plan/statement shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainable travel.

21. Prior to occupation, the new development shall incorporate an appropriate number of Electric Vehicle (EV) ready charging points as follows:

The development shall include provision for 10% of the car parking spaces to be designated for plug-in Electric Vehicles (EV) and served by EV ready charging points.

The 10% provision will be phased with 5% initial provision and remainder at an agreed trigger level (usage).

As the total number of proposed parking spaces is 122, the full 10% provision will require a total of 12 EV charge points.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

22. Prior to commencement of development details of solar panels should be submitted to and approved in writing by the Local Planning Authority. The approved solar panels shall be implemented on site.

Reason: To mitigate the impact of the building on climate change in line with Policy D1 of the Emerging Local Plan.

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

Reason: To safeguard the archaeological record.

24. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 23.

Reason: To safeguard the archaeological record.

25. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (23) and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

26. 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 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.

Proactive Statement:

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

Informative/s:

1. Environmental Protection (Air Quality) Informative
EV Charging Point Specification:

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 termination 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.

o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at:

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>.

2. Highways Informatives

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/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

2. 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.

3. Anglian Water Informatives

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

(1) INFORMATIVE - 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) INFORMATIVE - 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.

(3) INFORMATIVE

- 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.

(4) INFORMATIVE - 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.

(5) INFORMATIVE: 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.