

Location: Land At The South End Of  
Anglian Business Park  
Orchard Road  
Royston  
Hertfordshire  
SG8 5TW

Applicant: Mr Richard James

Proposal: Temporary change of use of vacant industrial land for 5 years for use as a private car park to include construction of vehicular access, layout of hard surfaced area, security fencing and all ancillary works.

Ref. No: 23/01940/FP

Officer: Anne McDonald

**Date of expiry of statutory period :** 10.10.2023

#### **Reason for delay**

Committee timetable and workload.

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

This application is being presented to PCC for determination on the basis that the objection from HCC Highways is not supported by planning officers, as required by 8.4.5 (c)(i) of the Council's Constitution. This is set out in detail below.

#### **Plan numbers**

[2613-PL201 Location Plan](#)  
[2613-PL202 Proposed Car Park Layout](#)  
[2613-PL203 Proposed Sections](#)  
[2613-PL104 Proposed Fence elevation; site photos](#)  
[Tree Constraints plan](#)  
[ASC 18-592 Topographic Survey](#)

#### **Supporting documents**

A letter is submitted in support of the application.

#### **1.0 Policies**

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

##### **1.2 In general and with regard to:**

Section 2 – Achieving sustainable development;  
Section 4 – Decision-making;  
Section 6 – Building a strong, competitive economy;

Section 11 – Making effective use of land.

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

SP1 - Sustainable development in North Hertfordshire;  
SP3 – Employment;  
SP6 – Sustainable transport;  
SP2 - Settlement Hierarchy;  
ETC1 – Appropriate uses in employment areas;  
T2 – Parking;  
HS1 - Local Housing Allocations  
D3 - Protecting living conditions;  
D4 - Air quality;  
NE8 - Sustainable drainage systems;  
RY7 – Anglian Business Park, Orchard Road.

**1.4 Supplementary Planning Document.**

SPD – Vehicle Parking at New Developments.

**2.0 Site History**

- 2.1 03/01686/1 - Erection of building for purposes within Use Class B8 (storage and distribution) with ancillary offices and facilities, provision of loading bay, 32 parking spaces, formation of vehicular accesses and landscaping (as amplified by letter dated 12th November 2003 and plan No 8 revision C received 8th April 2004) – conditional permission November 2004.
- 2.2 06/01365/1 - Erection of buildings for purposes within Use Class B1, B2 or B8 with ancillary offices and facilities, provision of loading bays, 34 parking spaces, formation of vehicular accesses and landscaping – conditional permission October 2006.
- 2.3 07/00713/1 - Erection of buildings for purposes within Use Class B1, B2 or B8 with ancillary offices and facilities, provision of loading bays, 34 parking spaces, formation of vehicular accesses and landscaping (re-submission including amendments following planning permission ref: 06/01365/1 dated 24 – conditional permission June 2007.
- 2.4 10/01079/1 - Erection of buildings for purposes within Use Class B1, B2 or B8 with ancillary offices and facilities, provision of loading bays, 34 parking spaces, formation of vehicular accesses and landscaping (extension of time for previously approved planning permission under Planning ref. 07/00713/1 granted 14/06/07) – conditional permission September 2011.
- 2.5 19/01172/HYA – Redevelopment of Anglian Business Park with 67 dwellings involving phase 1 (full details) for the erection of 2 apartment blocks on the southern end comprising 28 units with associated parking, landscaping and phase 2 (outline permission) for the demolition of the existing commercial buildings and the erection of 39 dwellings and landscaping – conditional permission January 2021.
- 2.6 23/00244/FP - Temporary change of use of vacant industrial land for 5 years for use as an open storage yard (Use class B8) to include construction of vehicular access, layout of hard surfaced area, construction of security fencing and all ancillary works – conditional permission April 2023.

### 3.0 **Representations**

- 3.1 Royston Town Council – objection to the application due to the potential loss of dwellings, including affordable housing, as set out in the Local Plan for which planning permission has already been granted.
- 3.2 HCC Highways – recommend refusal on the basis that the application is considered to be contrary to policies 5 and 6 of the Hertfordshire Transport Plan and is contrary to the principles of sustainable development as contained in the NPPF.
- 3.3 The application has been advertised with a site notice and neighbour notification letters. No third party replies have been received at the time of writing.

### 4.0 **Planning Considerations**

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

- 4.1.1 The application site is the southern part of the existing Anglian Business Park, which is located on the south side of Orchard Road, at the point where the road changes from residential to employment land use. The site therefore has residential neighbours on the eastern side, railway tracks on the southern boundary, other existing employment land uses to the west and the existing employment land buildings of this business park to the north. The site is open land, with some scrub and shrubs growing on it and is fenced off from the rest of the business park. It is on an elevated land compared to the rest of the business park. The site is within the urban area of the town of Royston, with no other land use designations on it. There are no protected trees, the site is not within a conservation area. There are no listed buildings within or neighbouring the site.

#### 4.2 **Proposal**

- 4.2.1 This application is seeking temporary (5 years) permission for the change of use of the land to a car park (Sui Generis land use), including the construction of a vehicular access, the laying of a hard surface, security fencing and landscaping.
- 4.2.2 The proposed layout plan, drawing no.PL202, shows the provision of 84 car parking spaces including five with EV charging points, four as disabled spaces and six motorbike spaces. The gates are to be set within the site to allow for HGVs accessing the business park to be able to turn at the end of the access road in front of this site. Landscaping is shown around the site edges in the form of trees and shrub planting.
- 4.2.3 A letter has been submitted with the application in support of the proposal. Key points from this include:
1. The applicant has concluded that it is currently unviable to construct two blocks of flats. The reasons for this are: 1) the high costs remediating the brownfield land which contains contamination; 2) the cost of re-routing gas and water mains running across the site; 3) the provision of the 30% affordable residential units.
  2. Until the viability forecasts for the site improve, the housing scheme will not be built out.
  3. The Council has accepted this by permitting application 23/00244/FP to allow the site to be used for B8 use.
  4. Johnson Matthey has expressed an interest in the land for additional staff parking, which is a Sui Generis land use.
  5. Planning policies support sustained economic growth and the use of brownfield land.

6. A temporary period of five years is sought to allow sufficient time for the economic viability of the residential scheme to improve.
7. The use of the site for parking is synonymous with the commercial and industrial building surrounding the site.
8. The car park will be adjoining the parking area of the existing neighbouring flats and will not cause any harm on the amenities of these neighbours. A 4m wide landscaping gap is provided between these two parking areas.
9. We are happy to have a restriction stating no parking between the hours of 7 pm – 7am so there is no impact on the neighbours.
10. The ground levelling works will comply with the RSKs recommendations from the planning history to ensure no risk of contamination.

4.2.4. Additional information was provided about the proposed user of the car park which sets out:

1. Johnson Matthey are seeking the car park primarily to allow contractor parking for the building contractors Wilson James who have been awarded the contract to build out the Johnson Matthey extension the 3CR Annex

### **4.3 Key Issues**

#### Principle

- 4.3.1 The site is currently a brownfield area of land within an established employment / business park which has a long history of approvals allowing the use of the business park for B class uses including B8 storage. Local Plan policy ETC1 supports business / industrial applications within the employment land areas. The Anglian Business Park is allocated as housing site RY7 in the Local Plan for 60 dwellings, with specific policy regarding housing densities for the allocation. The planning history shows that there is an extant hybrid permission for the residential redevelopment of this site, with full permission granted for two blocks of flats providing 28 units on this southern land area. However, due to current high construction costs, as well as the cost of re-routing the gas pipeline, this application sets out that it is not currently financially viable to build the flats on their own. Therefore, this southern part of the application is vacant brownfield land in the employment area. Whilst it is allocated for housing in the local plan, and there is an extant permission for flats, the residential land use has not been implemented and the land use remains that of employment.
- 4.3.2 As set out above in the planning history section, under application 23/00244/FP a temporary five year permission has been granted for the use of this land for B8 storage and distribution purposes. That proposal is for open storage for five years with no permanent structures (other than a security fence and landscaping which are also shown in this application) to be built that would give a degree of permanence or longevity to the use of the site for open storage in the longer term, contrary to the housing allocation. As a result, it was concluded that the granting of that permission is not harmful to the housing land allocation, as the site can still realistically come forward for housing in the future.
- 4.3.3 Policy ETC1 states that within employment land areas planning permission will be granted for office, research and development, industrial processes, industrial and storage and distribution uses. It goes on to state that planning permission for other uses will be granted as an exception provided they are:
  - I. Ancillary to the uses listed above;
  - II. Essential to the continued operation of an established premises;
  - III. Would bring comparable benefits to office, research and development, industrial process, industrial and storage and distribution uses in the same location; or

IV. Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.

- 4.3.4 This application is seeking to use the vacant brownfield site for a car park for temporary period of five years. Johnson Matthey wish to use it for both contractor and staff parking. Johnson Matthey are an important local business as they are a key employer in the District. In my view this proposal can be considered to comply with part IV and to a lesser extent part II of Policy ETC1. With regards to part IV, this is a proposal to make use of vacant brownfield land in the short to medium term until the housing scheme is built out. With regards to point II, additional nearby staff parking will help keep the location of Royston attractive to Johnson Matthey and retain them as a key employer in the District. Johnson Matthey are investing in their site and have sought permission to extend their premises and part of the justification for this application is to provide an area for contractor parking for the company who will build out the extension works. This is considered to comply broadly with the aims of part II, as the extended space at Johnson Matthey is needed. I therefore conclude that this proposal is in accordance with aims of Policy ETC1.
- 4.3.5 Furthermore, the NPPF is supportive of re-using brownfield land. Whilst there is an extant permission for housing and the Royston Town Council has objected on the basis that they wish to see the housing delivered, there is no ability for the LPA to insist that the housing is implemented and in the event that the 2019 planning permission falls away it will remain as a material consideration in the planning history when future applications for residential re-development are submitted. Whilst the proposed landscaping buffer around the edges of the site will provide more of a degree of permeance, they will not prohibit the site's potential residential re-development as any mature landscaping can be incorporated into a future residential re-development scheme.

#### Highways

- 4.3.6 The Highways Authority have objected on the basis that the application is considered to be contrary to policies 5 and 6 of the Hertfordshire Transport Plan. This plan was adopted in May 2018.

Policy 5 states:

*The county council will work with development promoters and the district and borough councils to:*

- a) Ensure the location and design of proposals reflect the LTP Transport User Hierarchy and encourage movement by sustainable transport modes and reduced travel demand.*
- b) Ensure access arrangements are safe, suitable for all people, built to an adequate standard and adhere to the county council's Highway Design Standards.*
- c) Consider the adoption of access roads and internal road layouts where they comply with the appropriate adoption requirements and will offer demonstrable utility to the wider public. Where internal roads are not adopted the county council will expect suitable private management arrangements to be in place.*
- d) Secure developer mitigation measures to limit the impacts of development on the transport network, and resist development where the residual cumulative impact of development is considered to be severe.*
- e) Require a travel plan for developments according to the requirements of 'Hertfordshire's Travel Plan Guidance'.*
- f) Only consider new accesses onto primary and main distributor roads where special circumstances can be demonstrated in favour of the proposals.*

*g) Resist development that would either severely affect the rural or residential character of a road or other right of way, or which would severely affect safety on rural roads, local roads and rights of way especially for vulnerable road users. This should include other routes which are important for sustainable transport or leisure.*

*h) Ensure that any new parking provision in new developments provides facilities for electric charging of vehicles, as well as shared mobility solutions such as car clubs and thought should be made for autonomous vehicles in the future.*

Policy 6 states:

*The county council will seek to increase the ease with which people, particularly disadvantaged groups, can access key services, by:*

*a) Working in partnership with key stakeholders such as bus and rail operators, community transport operators, the voluntary sector and public service providers.*

*b) Supporting transport services which could include providing resources for bus and other transport services.*

*c) Addressing the barriers to accessibility particularly regarding active modes and for people with impaired mobility.*

*d) Promoting travel options and facilitating accessible travel information provision, including open data initiatives.*

*e) Improving travel choices and options, including support for the provision of shared mobility initiatives.*

4.3.7 I do not support the Highways objection for the following reasons:

1. The proposed application cannot be considered to be contrary to the aspirations of these policies. Highways are objecting to the proposed user, Johnson Matthey, on the basis that they consider all their parking should be on their site. These two policies do not require this stipulation. Furthermore, it is the role of the Local Planning Authority, to consider the proposed land use / user from a planning perspective and not the Highway Authority.
2. The North Herts Local Plan, adopted in November 2022, is a more recently adopted Local Plan than the Hertfordshire Transport Plan, adopted May 2018, and more weight can be given to the policies contained in it, over the policies contained in the Hertfordshire Transport Plan. The Local Plan forms part of the development plan, and the statutory requirement is that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. As stated above, the proposal is considered to be in accordance with aims of Local Plan Policy ETC1 and this is the starting point to consideration of this proposal, along with other relevant policies of the recently adopted Local Plan. Policies 5 and 6 of the Transport Plan are material consideration. However, it is considered that the objections raised by the Highway Authority relating to these policies does not outweigh Local Plan Policy ETC1 in the planning balance.
3. As set out above, there is an extant permission to use the site for B8 purposes which would involve HGV movements to and from the site. It can therefore be considered that car parking will have less of an impact in the locality and would be a 'better neighbour' to the existing flats to the east which can be regarded to be a benefit of this proposal.

4.3.8 For these reasons, the application is recommended for approval contrary to the conclusions of the Highway Authority.

#### Layout and design

4.3.9 There is no objection to the proposed layout that includes EV, disabled and motorbike parking. The application also shows a 2.4m high security gate and fence to be erected around the perimeter of the site. There is no objection to this which is not out of context with the locality.

#### Landscaping

4.3.10 There is no objection to the proposed landscaping around the edge of the site which will provide a green setting and can be incorporated in the future use of the site for housing. As the site is rough scrub land currently, this increased area of landscaping will allow for increased bio-diversity with the inclusion of bird, bee and insect habitats in accordance with Local Plan Policy NE4. A condition is recommended to ensure this is achieved on site.

#### Other matters

4.3.11 The applicant has stated that they are happy to not use the car park between the hours of 7pm to 7am. The hours condition imposed on the B8 use permission restricts the use of the site outside the hours of 8pm to 8am and at no time on Saturday afternoons and at any time on Sundays and Public Holidays. I consider it reasonable in the interests of local residential amenity for the hours to be restricted outside the times of 8pm to 7am Mondays – Fridays but the with the same restrictions at weekend and public holidays as the B8 permission. The application is therefore recommended on this basis with a condition setting out these hours.

### **4.4 Conclusion**

4.4.1 There is no objection to this proposal to use this vacant, brownfield site for parking for five years. The application is therefore recommended for conditional permission.

### **4.5 Alternative Options**

4.5.1 None applicable

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

4.6.1 None applicable.

### **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. The use hereby permitted is for a temporary period of five years with the five years commencing with the first use of the site for parking purposes. The applicant is to inform the LPA the date when this occurs.

Reason: The site is part of the RY7 housing allocation in the Local Plan 2011 - 2031 and the site needs to be available to come forward for housing re-development.

4. The car park, hereby permitted, shall not be used outside the times of 07:00 to 20:00 on Mondays - Fridays, 09:00 to 12:00 on Saturdays and at no time on Sundays or public holidays.

Reason: In the interests of residential amenity of the nearby neighbours (LP Policy D3).

5. Following the commencement of the works on site and before the first use of the development hereby permitted, a landscaping scheme for the three site buffer areas on the east, south and west boundaries is to be submitted to and approved in writing by the Local Planning Authority. The buffer areas are to include a mix of trees, shrubs, grasses, wildflowers and bird / bee / insect habitats and the approved landscaping scheme is to be implemented on site in the first available planting season.

Reason: To support bio-diversity on site in accordance with the provisions of Local Plan policy NE4.

### **Proactive Statement:**

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