

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01694/S73	Variation of Condition 2 (revised plans) of planning permission 23/02625/FP granted 22.02.2024 for Erection of Industrial Building (3CR Annex), Link Bridge and other associated works.	Johnson Matthey Plc Orchard Road Royston Hertfordshire SG8 5HE

Submitted Plan Nos

X2JM-220-000-AUT-001-0001-04_2 X2JM-210-000-SKT-001-0002-01_rev 0 X2JM-220-000-AUT-001-0006-06_2 X2JM-220-000-AUT-001-0006-09_2 X2JM-220-000-AUT-001-0001-03_2 X2JM-220-000-AUT-001-0006-12_2 X2JM-220-000-AUT-001-0006-11_2 X2JM-220-000-AUT-001-0006-07_2 X2JM-220-000-AUT-001-0006-05_1 X2JM-220-000-AUT-001-0006-08_2 X2JM-220-000-AUT-001-0001-01_2 X2JM-220-000-AUT-001-0007-01 Rev 02 X2JM-220-000-AUT-001-0006-04_2 X2JM-220-000-AUT-001-0006-03_2 X2JM-220-000-AUT-001-0006-02_2 X2JM-220-000-AUT-001-0006-01_2 X2JM-220-000-AUT-001-0001-02_2 X2JM-210-000-DBD-001-0001-00 rev 0A X2JM-220-000-AUT-001-0001-05_2 X2JM-210-000-SKT-001-0001-01 02-3CR-T10-PFD001_REV D3

1.0 Policies

1.0 Relevant Planning Policy

North Herts Local Plan 2011 – 2031:

SP1: Sustainable development in North Hertfordshire
SP3: Employment
SP6: Sustainable Transport
SP7: Infrastructure requirements and developer contributions
SP9: Design and Sustainability
SP10: Healthy communities
SP11: Natural Resources and sustainability
SP12: Green Infrastructure, landscape and biodiversity

ETC1: Appropriate uses in Employment Areas
T1: Assessment of transport matters
T2: Parking
D1: Sustainable Design
D3: Protecting living conditions
D4: Air Quality
NE4: Biodiversity and Geological sites
NE7: Reducing flood risk
NE8: Sustainable drainage systems
NE10: Water Conservation and wastewater infrastructure
NE11: Contaminated land

RE1: Designated Employment Area – Orchard Road, Royston

National Planning Policy Framework (2023):

Chapter 2: Achieving sustainable development
Chapter 4: Decision making
Chapter 6: Building a strong, competitive economy
Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed and beautiful places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change

NHDC Supplementary Planning Documents (SPD's):

- ☐ Vehicle Parking at New Development SPD (2011)
- ☐ Developer contributions SPD (2023)

Hertfordshire County Council

- ☐ Local Transport Plan (2018) (LTP4)
- ☐ HCC Guide to Developer Contributions (2021) (including Technical Appendix 1: Transport)

2.0 **Site History**

- 2.1 23/00419/FP: Erection of Regenerative Thermal Oxidiser (RTO) with flue stack and associated plant; installation of pipe bridge and chiller unit, expansion in floor space to existing mezzanine; installation of two roof stacks to roof elevation of CSF2 building and other associated works. Part retrospective installation of two storey welfare cabin block for a temporary period until approximately 30 November 2024. Granted 4/5/22
- 2.2 23/00516/FP: Development of external alterations including additional plant and flues on existing building and associated works. Granted 26/4/23
- 2.3 18/01764/FP: Erection of 4/5 storey refinery building split into two parts; The admin block (5 storey's) consisting of changing, office and admin functions, and the Process block (4 storey's) containing the refining processes, following demolition of existing Western Block building. Construction of a new storage and packing building following demolition of existing building. Internal refurbishment of two other buildings. Granted 18/1/19
- 2.4 23/01634/SO: Screening Opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - The construction of a new metal refinery building comprising 2,865 sqm (gross internal area) and of approximate dimensions of 40m in length x 24m in width and 18m in height. The building consists of three internal floors with heating, ventilation and air conditioning equipment on the roof. A link bridge is proposed between the building and an existing production building approved under planning permission ref: 18/01764/FP. Decision: EIA not required (8/8/2023)
- 2.5 23/02625/FP: Erection of Industrial Building (3CR Annex), Link Bridge and other associated works. Granted 22.02.2024

Other relevant planning history on adjacent land:

- 2.5 23/01940/FP: 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. Granted 31.10.23

3.0 **Representations**

- 3.1 Royston Town Council: 'No objection'
- 3.2 Lead Local Flood Authority: 'No objections to the variation of condition 2'
- 3.3 Environment Agency: No response
- 3.4 Health & Safety Executive: No response
- 3.5 NHDC Environmental Health (Air Quality, Noise and Contamination)
 'No objections'
- 3.6 Affinity Water: No response
- 3.7 Hertfordshire LEADS (Ecology): We have previously responded to this application (or another associated with it) and as there are no material changes that would warrant amended comments in this case, our previous advice still stands. Previous advice was 'No objections. Recommends a condition'
- 3.8 NHDC Waste Services: Provides general advice on waste collection and storage matters
- 3.9 Hertfordshire Highways: Raises no objection
- 3.10 Site Notice/Adjoining occupiers: No responses received

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site lies within the settlement of Royston and is located on the north side of Orchard Road on the south side of the Johnson Matthey site. The Johnson Matthey site is located within the wider Royston Industrial estate (RE1 Orchard Road) and a Health & Safety Executive consultation zone.
- 4.1.2 The application site predominantly comprises a hard surfaced car park area that is served by Gates 8 and 9. The car park accommodates 113 spaces but the car park has not been used by staff for a number of years and is vacant.

4.2 **Proposal**

4.2.1 The applicant seeks a variation of Condition 2 (revised plans) of planning permission 23/02625/FP granted 22.02.2024 for Erection of Industrial Building (3CR Annex), Link Bridge and other associated works.

4.2.2 The proposed revisions to the approved scheme involve the following works:

- Erection of an external staircase and supporting platform against the north elevation of the approved 3CR Annex;
- Additional 'process' floorspace to the roof of the building; and
- External elevations changes, including material colour and associated changes and deletion of approved window openings

The net increase in floor area is 145 sqm against the approved scheme of 2,998sqm.

The height of the building would not materially alter through this S73 application.

4.2.3 The 3CR-Annex building would have a maximum height of 24.0m (including roof plant) with the link to the MFB being approximately 18m high above ground level.

4.2.4 In terms of materials the ground floor of the 3CR Annex would be dark grey blockwork with the upper elevations of metal composite cladding (in light grey colour). The link would be of the same metal grey cladding with metal composite roof. Windows would be grey composite finish.

4.2.5 The immediate area around the new 3CR-Annex building would contain plant and equipment including diesel generators and associated hardstanding. The existing security gates 8 and 9 would remain however the new building would be accessible from the internal access road within the JM site.

4.3 **Key Issues**

4.3.1 Principle of the development

4.3.2 The principle of the proposed 3CR building has already been granted through planning permission ref: 23/02625/FP. This application seeks to vary the detail of the approved building.

4.3.3 Taking into account the extant permission and relevant local and national planning policies as well as the Key Employment Sites strategy as supported by Hertfordshire County Council the proposed development would be acceptable.

4.3.4 Design, layout and visual impact

4.3.5 With regards to its appearance, under the previous consent, the 3CR annex took design cues from the nearby MFB building. This was not only help to reinforce the operative relationship between the buildings, but to also contribute to the wider industrial character. Under this S73 application, the key external material alterations include:

- The external staircase and supporting platform to the north elevation of the 3CR annex;

- The change from a dark grey colour palette to the external elevations to a light grey palette;
- Updates to the 'translucent panelling' across the external elevations (please see drawings for the relevant annotation).
- Updates to the roof space, including additional process floor space plus ancillary stairwell and lift shaft space.
- Other associated alterations to these elevations, as shown on the plans.

The most obvious change, from the previous application, is the external colour alterations. The dark grey was originally proposed to reinforce the relationship between the MFB Building and the 3CR annex. However, as the 'approved' vs 'proposed (S73)' 3D images show, whilst light grey is now proposed, it is not considered that this is unacceptable. The colour is not at an adverse contrast with the MFB building and light grey is appropriate within the setting of the Employment Area's setting

The vertical massing of the building is the same as approved.

The external staircase will not be readily visible from the surrounding area and given its design, it would be proportionate and subservient to the proposed building without any further material impact .

- 4.3.6 Given the context of the proposed site, within an established industrial zone and the setting of the JM site where there are several bulky and tall industrial / production buildings I consider that the proposed C3R-Annex building, which is to be of a similar design and bulk as the MFB, would not be out of keeping in this location and with the set back from the Orchard Road frontage and maintenance of the hardstanding and general openness set behind Gate 8, it would not result in an overly dominant form of development along the Orchard Road frontage. Consequently, the proposal is considered to be acceptable in general design and layout terms and would not be harmful to the character and appearance of the area and would therefore comply with Local Plan Policy D1, which seeks, amongst other things, to ensure that developments respond positively to local context.

4.3.7 Highway impact including parking and servicing matters

- 4.3.8 With the previous planning application for the 3CR building the LPA considered at the time that the proposal would not increase parking stress in the area and this was eventually confirmed in writing by the Highway Authority.

- 4.3.9 The floor area previously approved to the 3CR was 2,998m² . The approved use class is B2 'General Industrial', which is subject to a maximum parking standard of 1 space per 50m² (GFA). Appendix 3 of the 'Vehicle Parking at New Development' SPD (2011) enables up to 50% deduction however, given this sites falls within Zones 1 and 2 of the 'non-residential accessibility zones'. The maximum (and not minimum) vehicular parking requirement, under the previous application, was for 30 spaces. With the difference described earlier in this statement being a net gain of 150m² of process floor space, the maximum parking requirement for vehicles is an additional 3 vehicles. When the

non_residential accessibility zone' is applied (at 50%), followed by that figure being rounded up, this leaves a maximum standard of two vehicular spaces to be provided.

- 4.3.10 This application does not propose any additional car parking to support the proposed development rather the application is accompanied by a Transport Statement (TS) which seeks to demonstrate how the proposed development can be provided utilising the existing car parking capacity within the JM site as a whole in addition to a commitment to update an existing 2021 Travel Plan which encourages sustainable travel for JM-associated staff.
- 4.3.11 The submitted TS confirms the results of a previous survey of the company car parks which concluded that the JM car parks operated with a 10% minimum availability at all times. The survey reveals that the existing car parks across the JM site can adequately accommodate the 30 spaces plus 2 that are required under adopted planning policy.
- 4.3.12 The Highway Authority have raised no objections to this application.

4.3.13 The previous travel plan condition can be re-applied to this current S73 application.

4.3.14 Impact on amenity (residential and office use)

4.3.15 The proposed 3CR Annex building would be sited approximately 270m west of the nearest residential properties in Orchard Road and a similar distance from residential properties in Green Drift beyond the railway line to the south. Given the background ambient noise levels associated with the industrial estate operations including road traffic together with the significant separation distances from nearby residential properties it is not expected that the proposed development will have any adverse effect on living conditions of residential occupiers in the area. Most surrounding employment uses are associated with B2 General industrial and B8 storage and distribution uses and therefore the noise impact of the development on these adjacent uses is unlikely to be an issue in planning terms. No objections have been received following neighbour consultation.

4.3.16 Ecological issues

4.3.17 The previous application is subject to a condition 6 ensuring compliance with a submitted Preliminary Ecological Appraisal. This condition will be re-attached to this S73 application.

This application is exempt from the requirements of the BNG Regulations under the Environment Act 2012. The previous application (to which this is an amendment) was submitted before the BNG Regulations became mandatory.

4.3.18 Environmental Protection matters (Noise, air quality and odour)

4.3.19 The previous application was subject to a noise assessment which concluded that background noise levels would increase by less than 0.5dB (A) at the positions closest to the residential areas to the east and increase by 1 -2 dB in positions closest to

adjoining industrial development where such small increases are unlikely to be an issue in amenity terms. In summary, the proposal would not generate adverse noise impacts to the detriment of the industrial estate or to (relatively distant) residential uses. The proposal accords with Policy D3 'Living Conditions' of the Local Plan.

4.3.20 In terms of air quality the previous application was subject to a condition to ensure that all emissions are carried out in accordance with the 'process flow diagram'. This condition will be re-attached.

4.3.21 In terms of contamination, the previous application was not subject to any specific contamination condition given it is on previously developed land in continuing industrial use. The Environment Agency previously responded requesting an informative and this will be re-attached with this S73 permission.

4.3.22 Flood Risk and drainage

4.3.23 The site lies within Flood Zone 1 of the Environment Agency's Flood Map (i.e. less vulnerable to flooding) . The previous application included a drainage strategy and no specific drainage strategy condition was required.

4.3.24 Climate change

4.3.25 The proposed development, by virtue of its limited scale in the context of the Johnson Matthey site as a whole and the wider industrial area, together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with the criteria set out in Policy D1 'Sustainable Design' of the North Hertfordshire Local Plan 2011-2031 and Section 14 - 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF 2023.

4.4 **Conclusion**

4.4.1 The siting, design and appearance of the proposed works are considered, having regard to the industrial location of the site and the previous application, not to result in any harm to the character and appearance of the area. Any environmental harms arising from the development are not considered to be severe and can be mitigated by planning conditions.

4.4.4 In summary, the development proposed as part of this planning application represents a sustainable form of development, having regard to the provisions of the NPPF and the adopted development plan.

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.

5.4 **Pre-Commencement Conditions**

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

6.0 **Recommendation**

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

1. The permission hereby granted shall be begun before the expiration of 3 years from the date of the grant of the original permission ref: 23/02625/FP (2nd February 2024) .

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 development hereby permitted shall be carried out in accordance with the Construction Method Statement approved under ref: 24/00957/DOC pursuant to condition 3 of planning permission ref: 23/02625/FP.

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

4. At least 3 months prior to the first occupation or use of the development hereby approved details of an updated, robust and substantive Travel Plan for the Johnson Matthey site shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall consider a range of appropriate options and strategies to encourage sustainable travel and how appropriate measures will be implemented. The approved travel plan shall be implemented in accordance with the details approved and monitored thereafter.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5,

7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018)

5. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

6. The development hereby permitted shall be implemented in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal by SLR dated 13th October 2023.

Reason: To enhance on site bio-diversity, in accordance with the aims of Policies D1, NE2 and NE4

7. The development hereby permitted shall be carried out in accordance with the 'Process Flow Diagram' (02-3CR-T10-PFD001 Rev D3)

Reason: In the interests of maintaining acceptable air quality and to comply with Policy D4 of the Local Plan

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

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

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant

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

Informative/s:

Planning Informatives:

Affinity Water advice

The applicants attention is drawn to the advice offered provided by Affinity Water dated 4th December 2023 with regard to Infrastructure connections and diversions :

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

Environment Agency informative:

The applicants attention is drawn to the advice from the Environment Agency in their letter dated 16th February 2024.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth
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	Herts SG6 3JF
Determining Officer Date: 24 September 2024	