

DELEGATED FILE NOTE

CASE OFFICER: ...Anne McDonald.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/03143/S73	Variation of Condition 4 (Operational hours for staff, visitors, deliveries and machine operation) of planning application reference 23/00244/FP granted on 26/04/2023 for 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.	Land At The South End Of Anglian Business Park Orchard Road Royston Hertfordshire SG8 5TW

Submitted Plan Nos

1.0 Policies

D3	Protecting living conditions
D4	Air quality
ETC1	Appropriate uses in Employment Areas
T1	Assessment of transport matters
SECN11	Making effective use of land
SECN6	Building strong, competitive economy

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.
- 2.7 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 surface area, security fencing and all ancillary works – conditional permission October 2023.
- 2.8 25/02452/S73 – Removal of condition 4 imposed on 23/00244/FP – Refused November 2025.

3.0 **Representations**

3.1 **HCC Highways** – no comment / objection.

3.2 **NHDC Environmental Health** –no objection and provides the following comments:

“This application represents a revised proposal to that requested under application 25/02452/S73 and seeks to vary condition 4 to allow extended but defined hours of operation. The proposed hours are 0700-2100 Monday to Friday, 0900-1600 on Saturdays and closed on Sundays and Bank Holidays.

The application is supported by a noise assessment which concludes that noise emissions arising proposed activity will have a low impact. The predicted noise levels were calculated based on light goods vehicles (LGV) only (defined as vehicles with a gross weight not exceeding 3.5 tonnes) and specifically states that LGVs are the only goods vehicles proposed to operate within the site.

With this in mind, and, given the scope and outcome of the noise assessment, I have no objections subject to a condition restricting the hours of operation as stipulated in the application. In addition to an hours condition, a restriction on the types of vehicles to use the site would also be beneficial. This would be in accordance with the assumptions and statements in the submitted noise assessment and offer protection to changes in operation in the future. Further to our conversation, this could be achieved via a condition or, perhaps, a noise management plan to be submitted setting out operational management measures”.

3.4 **Royston Town Council** – no objection and after the 5 years temporary permission ceases, it should return to a housing site as per the local plan.

3.5 The application was advertised with a site notice and neighbour notification letters. One objection has been received from a nearby neighbour. Key points raise include:

- ☐ I am concerned about noise on the next door neighbours as anti-social times outside of the normal 9-5 are being proposed.
- ☐ The works have already caused a lot of noise and dirt coming into our homes.
- ☐ I object to the destruction of the trees and hedges along the railway which has damaged habitat for wildlife and an increased the noise and vibrations from trains to our homes.

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 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 is a S73 application seeking to vary condition 4 imposed on planning permission 23/00244/FP. Condition 4 states:

“The B8 use, hereby permitted, shall not be open to staff, visitors or deliveries, and no machinery shall be operated within the site outside the times of 08:00 to 20:00 on Mondays - Fridays, 09:00 to 12:00 on Saturdays and at no time on Sundays or public holidays”.

- 4.2.2 This application is seeking to vary the times to:

“The B8 use, hereby permitted, shall not be open to staff, visitors or deliveries, and no machinery shall be operated within the site outside the times of 07:00 to 21:00 on Mondays – Fridays, 09:00 to 16:00 on Saturdays and no time on Sundays and Bank Holidays”.

- 4.2.2 Submitted in support of the application is a covering letter and a Noise Assessment. The cover letter sets out that there is a tenant seeking to use the site and the proposed hours would suit the operation requirements of this user.

4.3 **Key Issues**

- 4.3.1 The reason for the imposition of condition 4 on application 23/0244/FP is to protect the residential amenity of the nearby neighbours. In my view, the proposed hours are a reasonable extension to the currently permitted hours as they will not impact night time sleeping time or quiet amenity times of a Sunday or public holiday. Even if there is noise from the site from vehicle movements, the adverse impact of this within the locality, given within this area there is already some noise from trains and the vehicle movements of cars / vans / lorries coming from and to the existing nearby industrial and commercial businesses, will be somewhat masked by this existing level of noise. On this basis, I do not consider that the adverse impact on the neighbours would be so significantly noticeable to justify the refusal of this application.
- 4.3.2 The Environmental Health Officer (EHO) has further suggested that the size of vehicles accessing the site is limited as the Noise Impact Assessment submitted with the application is based on the noise from light vehicles and the impact from the proposal has been assessed on this basis. I consider this is reasonable to protect the long term interests of the neighbours in case the operator of the site changes or the business

needs of the tenant changes. Therefore, a condition limiting the size of the vehicle is also recommended based on the size of the vehicles the Noise Impact Assessment is considered on, which is 3.5 tonnes. Following the receipt of the EHO's comments, the agent has emailed that she would be willing to accept a condition limiting the size of vehicle to a 7.5 tonne box truck, which is the tenant's largest vehicle type. Given that the Noise Impact Assessment was undertaken based on a 3.5 tonne vehicle and the EHO has recommended no objection on this basis, it is this vehicle size I am restricting to by condition. The agent has been informed of this pre-determination.

- 4.3.3 On this basis the application is considered to comply with the aims of Local Plan Policy D3 and is recommended for approval. The concerns of the neighbour are noted, but the time and vehicle limit restriction are considered to sufficiently protect nearby residential amenity. The replacement landscaping scheme is yet to be submitted and approved and planted on site.

4.4 **Conclusion**

- 4.4.1 Conditional permission.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 None applicable.

5.0 **Recommendation**

- 5.1 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 grant of planning permission 23/00244/FP.

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 B8 uses.

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

4. The B8 use, hereby permitted, shall not be open to staff, visitors or deliveries, and no machinery shall be operated within the site outside the times of 07:00 to 21:00 on Mondays - Fridays, 09:00 to 16:00 on Saturdays and no time on Sundays and Bank Holidays.

Reason: To protect the residential amenity of the nearby neighbours. LP Policy D3.

5. On the site no items are to be stacked taller than 4m in height within 10m of the eastern boundary or 6m elsewhere, subject to the restrictions of Network Rail.

Reason: To prevent items from appearing unacceptably tall and out of context in the locality.

6. 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 and wildflowers 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.

7. No part of the development hereby permitted shall be brought into use until the internal access road layout with eastern footway leading into the site, security gate and vehicle turning area and on-site parking arrangements with EV charging points has been completed in accordance with approved plan reference no.PL102 rev A dated 27.01.23.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users.

8. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

9. The site shall not be accessed at any time by vehicles larger than a Lights Good Vehicles with a weight limit of 3.5 tonnes.

Reason - in the interests of protecting the residential amenity of the neighbours as the Noise Impact Assessment submitted with the application was based on vehicles being limited to this size and in accordance with Policy D3 of the North Hertfordshire Local Plan 2011 - 2031.

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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 12 February 2026	