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| <b>DELEGATED FILE NOTE</b> |
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**CASE OFFICER:** ...Anne McDonald.....

| APPLICATION<br>REFERENCE | BRIEF DESCRIPTION OF<br>DEVELOPMENT                                                                                                                                                                                                                                                                                                                                                                                    | APPLICATION SITE                                                                                         |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| 25/02452/S73             | Removal of Condition 4 (Operation hours for staff, visitors or deliveries; machine operation) of planning permission 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<br>Anglian Business Park<br>Orchard Road<br>Royston<br>Hertfordshire<br>SG8 5TW |

**Submitted Plan Nos**

2613-PL101A

|      |                                      |
|------|--------------------------------------|
| D3   | Protecting living conditions         |
| D4   | Air quality                          |
| ETC1 | Appropriate uses in Employment Areas |

## **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.

## **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.

### 3.0 **Representations**

3.1 **HCC Highways** – given the site is located within an established industrial area, permitted 24/7 operations would have any significant adverse impact on the highway network. No objection.

3.2 **HCC LLFA** – no comment as we should not have been consulted on this application to remove a condition.

3.3 **NHDC Environmental Health** – raises an objection on the basis of noise concerns from the overnight use due to the proximity of the residential dwellings and the disturbance that deliveries of this nature would cause.

3.4 **Royston Town Council** – objects to the application on the basis that the removal of condition 4 has potential adverse impact on the wider community from increased noise pollution. The committee also expressed continued disappointment that land designated for residential development within the Local Plan is being considered for alternative uses. The unresolved highways objection from the previous application was noted.

3.5 The application was advertised with a site notice and neighbour notification letter. 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 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 remove 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 Submitted in support of the application is a covering letter and a Noise Assessment. Key points from the covering letter are:

- ☐ The tenant requires the ability to operate the site on a 24/7 basis to allow occasional use during these times and therefore it is proposed that Condition 4 is removed.
- ☐ The application is supported by a Noise Assessment prepared by Inacoustic which has assessed the existing noise climate and potential impact of the proposed extended hours on the nearest noise sensitive receptors to the site. The report confirms there are no technical noise reasons to justify any operational restrictions from a noise perspective, with potential impacts during both daytime and night time periods falling within acceptable levels. This includes recognition of the site's proximity to a busy industrial estate and mainline railway line. The report therefore concludes that proposals to operate the site as permitted on a 24/7 basis will not give rise to a level of harm and disturbance to local residents that Policy D3 (Protecting Living Conditions) and the NPPF seeks to prevent, and so should be approved.
- ☐ It is anticipated that 24hr access will not be a regular occurrence.
- ☐ The noise report is based on a worst-case scenario but even on this basis shows that predicted impacts are within acceptable levels.
- ☐ The proposals will allow implementation of a consented development enabling occupation of a currently underutilised site to make more efficient and effective use of brownfield land and stimulate economic growth in accordance with Paragraph 85 of the NPPF (2024) and strategic Policy SP3 (Employment), which seeks to proactively support new and existing businesses.

#### 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. Local Plan Policy D3 states:

*“Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.*

*Where the living conditions of proposed developments would be affected by an existing use or the living conditions of an existing development would be affected by a proposed use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation proposals would address the identified harm, development proposals will not be permitted”.*

- 4.3.2 Condition 4 was imposed as a mitigation measure in accordance with the aims of Local Plan Policy D3. Whilst this is an employment land area, and there are a high number of vehicle movements in the daytime in the locality and the railway line to the south, which will generate some degree of noise in the locality. At night, noise sources from traffic and the train drops off and the area is quieter. Condition 4 was imposed to prevent night time deliveries and activities in the interest of protecting the living conditions of occupiers of neighbouring residential properties.

- 4.3.3 The proposal is seeking to remove condition 4. This would allow 24/7 use. The supporting letter states that night time operations would be 'occasional' whereas the Noise Report under 'Operational Assumptions' states that at night there would be a worse case of 1 car movement, 1 LGV and 1 forklift truck movements to load / unload the LGV within 15 minutes. It is not clear if this is each and every 15 minutes throughout the night. Regardless, by removing this condition, an operator could have unlimited vehicle movements throughout the night. Given the close proximity to the flats and the quieter night-time conditions the operations would generate noise and therefore it is my view that this condition should remain to protect living conditions, who would reasonably expect a quieter night-time environment. This is supported by the concerns raised by the Council's Environmental Health Officer who states:

*"The application is supported by a noise assessment which concludes that noise emissions arising proposed activity will have a low impact. I have a number of issues with this conclusion.*

*The report is unclear on vehicle movements and specifically type of vehicles. The report models 'LGV' movements within the yard along with fork lift trucks and pallet handling. The data used in the modelling is not sourced, the penalties applied in the BS4142 assessment are in my opinion insufficient and the term 'LGV' is not defined.*

*I, therefore, have some doubts as to the conclusions drawn as the assessment rating levels appear to indicate that the noise from the activity will be quieter than the existing background noise levels. I cannot accept this as the adjacent residential units are very close to the site boundary and, in my opinion will be adversely affected".*

- 4.3.4 It is not clear what an LGV is, whether that is a light goods vehicle or a large goods vehicle. If a forklift truck is needed to load / unload it, then it seem more likely to be a large goods vehicle. Such vehicles tend to have warning / reversing beepers and such noise would be very apparent in the locality throughout the night.
- 4.3.5 A condition limiting the number of vehicle trips per hour in the night or the type of vehicles to access the site or limiting the use of reversing beepers would be unenforceable. Therefore, the condition should remain to retain control over the operation of the site in the interests of the residential amenity of the area.

#### 4.4 **Conclusion**

- 4.4.1 Refuse.

#### 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 **REFUSED** for the following reason:

1. Condition 4 is imposed on planning permission 23/00244/FP to protect the residential amenities of the adjoining neighbours. This application does not demonstrate that there would be no adverse harm from night time operational activities on these neighbours, so to ensure the protection of nearby residential amenity, this application is refused in accordance with the aims of Local Plan Policy D3

**Proactive Statement:**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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| <div>Signed</div> <div></div> <div>Shaun Greaves<br/>Determining Officer</div> | <div>Development Management<br/>North Hertfordshire District Council<br/>Council Offices<br/>Gernon Road<br/>Letchworth<br/>Herts<br/>SG6 3JF</div> |
| <div>Date: 13 November 2025</div>                                                                                                                                 |                                                                                                                                                     |