

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01251/FP	Replace existing canopy, reconfiguration of forecourt pumps to create additional HGV lane and changes to parking arrangements on site.	Greenfield Service Station Baldock Road Royston Hertfordshire SG8 9NN

Submitted Plan Nos

110_01 A 210_01 A 210_02 A 210_03 A 210_04 A 210_05 A 310_01 A 310_02 A 241531/TCP/01

1.0 Policies

CGB4	Exist buildings in the RA Beyond GB
D1	Sustainable design
D3	Protecting living conditions
SP9	Design and Sustainability
NE4	Biodiversity and geological sites
HE4	Archaeology
T1	Assessment of transport matters
SECN12	Achieving well-designed places

2.0 **Site History**

2.1 Extensive site history. None relevant to this application.

3.0 **Representations**

3.1 **Royston Town Council** – No objection.

3.2 **Neighbour Consultation and Site Notice** – None received.

3.3 **Hertfordshire Highways** – No objection subject to conditions.

3.4 **Environmental Health** – No objection subject to conditions.

3.5 **North Herts Ecology** – No objection subject to conditions.

3.6 **County Council Archaeology** – No objections.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is Greenfield Service Station, which is located on the south side of the A505 close to Royston. The site is obscured from view in the majority by dense landscaping. The site is within the Rural Area beyond the Green Belt and is within an Archaeological Area.

4.2 **Proposal**

4.2.1 Planning permission is sought to replace the existing canopy, reconfiguration of forecourt pumps to create additional HGV lane and changes to parking arrangements on site. This is in response to the sites current form which, due to the restricted vehicular circulation route, is congested and has issues with HGV queueing and informal parking practices.

4.3 **Key Issues**

4.3.1 The key issues in this case are:

- ☐ The Rural Area beyond the Green Belt.
- ☐ Design
- ☐ The Impact on of Neighbouring Properties.
- ☐ Ecology/Biodiversity Net Gain
- ☐ Archaeology

The Rural Area beyond the Green Belt

4.3.2 The site is an existing building in the Rural Area beyond the Green Belt and as such, Policy CGB4 is relevant which states:

Planning permission for the re-use, replacement or extension of buildings in the Rural Area beyond the Green Belt will be granted provided that:

b) Any existing building to be converted for re-use does not require major extension or reconstruction;

c) The resultant building(s) do not have a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original building(s); and

d) Any outbuilding(s) are sited as close as possible to the main building(s) and visually subordinate to them.

4.3.3 The proposal seeks to replace the existing canopy over the fuelling stations, which is covered under part c) of Policy CGB4. The proposal is for a minor increase in fuel provision from 6 filling positions to 9 (7no. Light vehicle road fuel pumps, 2no. HGV filling positions). However, the new canopy to suit the revised filling positions is proposed to be smaller in overall area than the existing canopy, with the existing canopy area measuring

approx. 260 sq. metres and the proposed canopy area measuring approx. 229 sq. metres. The proposed canopy will also be flat roofed, compared to the existing pitched roof canopy, which will make it shorter and narrower than the existing building. As such, it is considered the proposed canopy would be shorter, narrower and less dominant in the landscape, such that it will not result in a materially greater impact on the openness of the Rural Area beyond the Green Belt, in line with Policy CBG4 of the Local Plan.

Design

- 4.3.4 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.5 The proposed development consists of a replacement canopy structure, finished in a steel frame with a duo pitched slate tile finish and metal cladding in green and grey, which is the BP colour scheme. As already considered, the proposed canopy structure would be shorter and narrower than the existing canopy, which is considered suitable in design terms. The site is an isolated, utilitarian area and the proposal will be in accordance with this prevailing character. The proposed canopy is to be facilitated by the reconfiguration of forecourt pumps to create an additional HGV lane and changes to parking arrangements, which is all on the ground and appropriate in this instance.
- 4.3.6 The proposal is therefore in accordance with Policies SP9 and D1 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbouring Properties

- 4.3.7 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.8 The site is isolated from any neighbouring properties such that the scheme will not result in any impacts on the reasonable living conditions and well-being of neighbours.
- 4.3.9 This is in accordance with Policy D3 of the Local Plan.

Ecology/Biodiversity Net Gain

- 4.3.10 Following internal consultation with the Council's Ecologist, this development is subject to the mandatory requirements of Biodiversity Net Gain under Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Council's Ecologist has considered the proposal in respect of BNG and has recommended that the application is subject to a requirement to deliver 10% Biodiversity Net Gain. A Statutory Metric calculation that has been provided with the application indicates that the scheme would be unable to deliver this gain on site as part of the development proposal and as such will need to secure the unit shortfall via an off-setting scheme, details of which will be provided at discharge of condition stage. The Council note the Biodiversity Gain condition wording should be added to the decision notice, the biodiversity gain condition is a pre-commencement condition having its own separate statutory basis and is deemed to apply to every planning permission granted

for the development of land in England. To ensure the applicant is clear about this distinction the biodiversity gain condition should not be included in the list of conditions imposed in the written notice when granting planning permission but should remain separate. As such, the BNG condition will be enforced on this decision.

- 4.3.11 In respect of protected species, the Councils Ecologist has formally considered this as well, concluding that the proposal would not impact upon protected species subject to the imposition of a Construction Environment Management Plan (CEMP) condition, which is considered reasonable in this instance and in accordance with Policy NE4 of the Local Plan.

Archaeology

- 4.3.12 The site is within an Archaeological Area and following consultation with the County Councils LEADS Team, they have concluded that the proposal is unlikely to have a significant impact on heritage assets of archaeological interest. This is in line with Policy HE4 of the Local Plan.

Highways and Parking

- 4.3.13 The proposal seeks to reconfigure the internal layout of the pump stations and car parking area to improve the circulation of HGVs and general parking behaviours. The new road layout will direct non-HGV vehicles around the kiosk building with its own separate access back to the A505, where as the HGV lane will now benefit from the existing access for their use only. The proposal will also increase the number of parking spaces on site from 13 to 20.
- 4.3.14 The Highway Authority have been consulted on this application and have no objection subject to two conditions covering a Construction Traffic Management Plan and submission of a parking plan, both prior to commencement. These are considered reasonable and have been agreed by the agent.
- 4.3.15 As such, the proposal is considered acceptable in highway and parking terms, in line with Policy T1 of the Local Plan.

4.4 Conclusion

- 4.4.1 Overall, the proposal is considered acceptable in planning terms and is in accordance with the relevant local and national planning policies.

4.5 Alternative Options

- 4.5.1 N/A.

4.6 Pre-Commencement Conditions

- 4.6.1 The agent has agreed to the proposed pre-commencement conditions.

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 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. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:
 - a. Access arrangements to the site;
 - b. Traffic management requirements
 - c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - d. Siting and details of wheel washing facilities;
 - e. Cleaning of site entrances, site tracks and the adjacent public highway;
 - f. Provision of sufficient on-site parking prior to commencement of construction activities;
 - g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - h. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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).

4. Prior to the commencement of the development hereby permitted a plan should be submitted which shows parking details for cars in accordance with the HCC's Place & Movement Planning Design Guidance (P&MPDG-2023) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate vehicle 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)

5. No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the August 2024 Preliminary Ecological Appraisal and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: in the interests of ecology and in accordance with Policy NE4 of the Local Plan.

6. No development/alteration approved by this permission shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall submitted to and approved in writing by the Local Planning Authority.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

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:

1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the County Council website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section

149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

2. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>
The Biodiversity Gain Plan should be submitted as an 'application for approval of details reserved by condition following grant of planning permission' via the Planning Portal.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 11 November 2024	