

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00391/S73	Variation of Condition Number(s): 2 To confirm approval to a minor (35 cm) increase in the ground level of the approved hard surfaced external open storage yard on the south side of Anglian Business Park. To substitute the approved Site Layout Drawing 2613 PL102A and approved Site Section Drawing 2613 PL103A with amended drawings comprising Site Layout Drawing 2613 PL102B and Site Section Drawing 2613 PL103B showing the minor increase in site levels of planning permission 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

2613-PL101A 2613-PL102B 2613-PL103B

1.0 **Policies**

42.0 **Site History**

2.1 The planning history for this site is:

- ☐ 19/01172/HYA for the redevelopment of the Anglian Business Park with the re-development of 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 demolition of the existing commercial buildings and the erection of 39 dwellings and landscaping. – Conditional Permission.
- ☐ 10/01079/1 for the erection of buildings for uses within B1, B2 and B8 with ancillary offices, loading bays, 34 parking spaces and vehicle access. This was the renewal / extension of time of the same scheme previously approved under 07/00713/1 and 06/01365/1.
- ☐ 03/01686/1 for the erection of a building for B8 use with ancillary offices, loading bay and 32 parking spaces.
- ☐ 23/00244/FP for the temporary change of use of the land for 5 years for use as an open storage yard (Use Class Order B8). Conditional permission granted.
- ☐ 23/01940/FP for the temporary change of use of the land for 5 years for use as a private car park. Conditional permission granted.

3.0 **Representations**

3.1 HCC LLFA Team – no comment.

3.2 HCC Highways – no objection.

3.3 NHDC Environmental Health – no objection subject to condition to ensure the works to protect against contamination are carried out.

3.4 Royston Town Council – no objection.

3.5 The application has been advertised with a site notice and neighbour notification letters. No replies 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 and is on an elevated land level in comparison 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 and does not contain or neighbour any listed buildings. There are case officer photos on the case file for the 'parent' application 23/00244/FP.

4.2 **Proposal**

- 4.2.1 This is a S73 application to vary the land levels of the site, by increasing the ground level by 0.35m. The supporting letter submitted for this proposal states:

"The applicant company have been further investigating the cost of remediating the site as part of laying out the approved temporary storage yard. The applicants explain that the cost of removing the made_up ground is prohibitive to facilitate the approved temporary open storage use (23/00244/FP) or the approved temporary car parking use (23/01940/FP).

The applicant company advise that the most cost effective solution in terms of site remediation to make the site appropriate for use as the approved temporary storage yard is as follows:-

- 1) Construct the vehicular access; level the existing site (apart from the landscape margins).*
 - 2) Install a permeable membrane.*
 - 3) Import and roll in up to 35 cm depth of MoT Type 1 to provide a capping layer and top surface for the storage yard.*
 - 4) Install the landscape planting scheme to the site margins (details to be submitted and approved by virtue of planning condition 6.)*
- The submitted amended drawings showing the 35 cm site level increase are attached for the Council".*

4.3 **Key Issues**

- ☐ The extant permission establishes the principle for the use of the site for open storage for a temporary time period.
- ☐ As set out above, the increase in the ground level is required to ensure that a capping layer is added to the ground to protect the future users from possible exposure to contaminants in the ground. I consider that given the temporary nature of the permission it is reasonable for the applicant to seek a more cost effective method of dealing with the contamination issue rather than the method which would be required if the site were to be used for housing as per the land contamination requirements of planning permission 19/01172/HYA.

- Due to the location of the site, at the southern end of the business park, with the railway tracks to the south, existing warehouse style buildings to the west and north, which are tall structures, and the residential flats to the east being off set from the shared boundary by a car parking area, there are no immediate neighbours to the site who would be aware of this increased ground level in terms of any visual change.
- Condition 5 on planning permission 23/00244/FP, prevents items from being stacked taller than 4m in height within 10m of the eastern boundary of the site. This increase in ground level will result in the stacks appearing taller when viewed from outside the site. However, given the distance from the site to the neighbouring buildings, and the fact that stacks are limited to 4m or 6m in height depending where on the site they are placed, I do not consider that the increase in height of the ground level by 0.35m would result in the stacks appearing adversely visually over bearing or over dominant as a result of this ground level increase, in comparison to the approved situation.
- I therefore raise no objection to the proposal and the application is considered to accord with the necessary provisions of Local Plan Policies D1, D3 and NE11.

4.4 **Conclusion**

4.4.1 No objection. Grant conditional permission.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 None imposed.

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-development.

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 08:00 to 20:00 on Mondays - Fridays, 09:00 to 12:00 on Saturdays and at no time on Sundays or public holidays.

Reason - To protect the residential amenity of the nearby neighbours. Local Plan 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. LP Policies D1 and D3.

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. During the construction phase of the development and prior to the site's first use in B8 use, the land contamination works are to be undertaken as set out in the supporting information and thereafter retained on site.

Reason - To ensure ground contamination is mitigated against in accordance with LP Policy NE11.

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:

1. Highways Informatives:

1. 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 website:

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

2. 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 website:

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

3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highwaysroads-and-pavements.aspx> or by telephoning 0300 1234047

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 27 March 2025	