

**APPLICATION FOR A
S73 ‘VARIATION OF
CONDITIONS’
APPLICATION,
PURSUANT TO
PLANNING
PERMISSION
23/02625/FP.
PLANNING STATEMENT**

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1.0 Introduction

- 1.1 This Planning Statement has been prepared by Bidwells LLP (the 'Agent') on behalf of Johnson Matthey PLC (the 'Applicant') to support a Section 73 (S73) application to vary planning permission reference 23/02625/FP. The approved description of development was as follows:

Erection of Industrial Building (3CR Annex), Link Bridge and other associated works.

- 1.2 Since this permission was granted, one condition has been formally discharged. This is Condition 3: Construction Management Plan. This has been fully discharged under planning reference 24/00957/DOC.

- 1.3 Further to the issue of these permissions, the Applicant requires design updates to the approved permission. The three key amendments are:

- 1) The erection of an external staircase and supporting platform to the north-facing elevation of the 3CR annex
- 2) External elevation alterations, including: a different colour application to the external elevations and the removal of windows (as described in this planning statement); and
- 3) The additional of additional floorspace to the roof of the buildings, including approximately 200 sqm of process floor spaces

- 1.4 The description to this S73 application is therefore:

Application for a S73 'Variation of Conditions' application to vary the approved plans to include: i) external staircase and supporting platform; ii) external elevation alterations; and iii) increase in floor area; pursuant to planning permission 23/02625/FP.

- 1.5 This planning statement is set out as follows:

- Section 2 describes the permission approved, in relation to the site and surrounding area context;
- Section 3 outlines the planning history;
- Section 4 provides an overview of the proposed amendments;
- Section 5 identifies the relevant planning policy framework against which the proposal will be considered;
- Section 6 discusses the planning considerations relevant to this S73 application;
- Section 7 provides conclusions in relation to the merits of the proposal, as well as dealing with matters that are already discharged.

Environmental Impact Assessment - Screening

- 1.6 Prior to the submission, and later determination, of planning application 23/02625/FP, an application for an EIA Screening Opinion was made and submitted to the Council (under reference 23/01634/SO). The Council responded in their Screening Opinion to confirm that the

development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

- 1.7 Accordingly, the Council's opinion is that development is not 'EIA development' within the meaning of the 2017 Regulations.
- 1.8 For the proposed amendments under this S73 application, it is not considered that any of the proposed amendments would result in significant upon the environments, beyond what has been approved. As such, no new screening assessment has taken place for this S73 variation of conditions application.

2.0 The Approved Development

- 2.1 The site is located centrally within the wider Johnson Matthey site. More specifically, it covers land that has previously served as car parks (Gate 8 and Gate 9), which are accessed to the north of Orchard Road.
- 2.2 Johnson Matthey site is located within the wider Royston Industrial Estate and, in planning terms, it is located within the strategic Royston Employment Area).in the north-west of Royston. The site and surrounding area comprise an industrial character.
- 2.3 The 3CR annex (approved under 23/02625/FP), once completed, is to support the function of the MFB building (approved under planning permission 18/01764/FL). It shares the same refining operations as it, with a link bridge between the two buildings to support the refining options.
- 2.4 The 3CR annex comprises a much smaller footprint that the MFB Building, even though it will undertake the same function as the MFB building. This reduced footprint seeks to reiterate the ancillary nature of this building to the MFB Building. It was approved at a similar height, but on the smaller side, to the MFB buildings. In terms of appearance, the block predominantly was approved to comprise dark grey metal cladding. This was to solidify the relationship between the two buildings, but also, as a separate reason, the materiality is appropriate and contemporary within his employment area.
- 2.5 The vacant and un-used car parks to Gates 8 and 9 are to be removed to predominantly serve the 3CR annex. The access points to the highway are to remain, but these will be closed and shut off post construction of the development. The supporting parking surveys, conducted less than a year ago, demonstrated that the existing car parks that JM controls and has access to have sufficient capacity to support staff and visitor parking. As agreed with the Local Highway Authority, matters of a Construction Method Statement (Condition 3), Travel Plan (Condition 4) and Cycle Parking (Condition 8) were secured through planning conditions.
- 2.6 A soft landscaping improvement to the front of site was captured and secured under this consent. Given the hard nature of the site, the proposals exceeded the mandatory 10% minimum requirement for Biodiversity Net Gain (BNG). The landscaping improvements were secured as a compliance condition under Condition 6 of the approval.
- 2.7 The cumulative floor area of the approved floor areas of the 3CR annex are set out below:

DEVELOPMENT	APPROVED FLOOR AREA
3CR Annex	2,856 sqm
Link Bridge	142 sqm
Cumulative Floor Area	2,998 sqm

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

3.0 The Relevant Planning History

- 3.1 The spatial scale of Johnson Matthey means that it has a lengthy planning history. As such, the table below identifies the relevant planning history, which comprises core planning permissions associated with the wider site, but also decisions on or immediately near to the application site.

PLANNING REFERENCE	DESCRIPTION	DECISION
24/00957/DOC (3CR Annex)	Details reserved by Condition 3 (Construction Traffic Management Plan) of planning permission reference 23/02625/FP.	Permitted (21 May 2024)
23/02625/FP (3CR Annex)	Erection of Industrial Building (3CR Annex), Link Bridge and other associated works.	Permitted (22 February 2024)
23/01940/FP (Land south of Anglian Business Park)	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.	Permitted (31 October 2023)
23/01895/FP (Protech building)	Installation of external hvac plant including associated ducting and pipework.	Permitted (16 January 2024)
23/01360/NMA (CSF2 building)	Louvre panels to be installed to the proposed north elevation, a new vent stack to the proposed north/west elevation, demolition of existing shelter adjacent to the external staircase, widening of existing roller shutter door behind existing shelter, fire escape staircase to the west elevation shall be altered to include a landing (as non-material amendment to planning permission 23/00419/FP granted on 04.05.2023).	Permitted (27 June 2023)
23/00419/FP (CSF2 building)	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.	Permitted (4 May 2023)
23/00516/FP (Unit PU12)	Development of external alterations including additional plant and flues on existing building and associated works.	Permitted (26 April 2023)
22/00731/FP (North-east of Noble Metals)	Installation of No.4 two storey temporary portakabin structures (for a duration of 4 years) following relocation of existing stores.	Permitted (4 May 2022)
18/02603/FP	Single storey chemical storage building.	Permitted (20 November 2018)
18/01764/FP (MFB building)	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.	Permitted (30 July 2018)

EIA Screening Opinion		
19/00008/SO (MFB building)	Screening Opinion of development 18/01764/FP	Development 'Not EIA Development (15 January 2019)

4.0 The Proposed Amendments

Background to the proposals

- 4.1 Johnson Matthey PLC is a British multinational company that undertakes works relating to speciality chemicals and sustainable technologies. The firm has been in operation for over 200 years.
- 4.2 On January 19 2018, full planning permission was granted for the Main Facilities Building (MFB Building) to the north east of the application site (under planning reference 18/01764/FP). This was to replace the PGMR (Platinum Group Metals Refinery) building to the east of this building, which is old, and which requires significant refurbishment to meet operational regulations. The MFB building is the '3rd Century Precious Metals Refinery (3CR)', which was needed to improve the efficiency, safety and sustainability of refining metals.
- 4.3 The 3CR annex, link bridge and associated works, which have secured planning approval under reference 23/02625/FP, further support the processes and functions of the MFB Building and extend the refining operations. The link bridge in particular enables necessary services and operational staff to safely move between the two buildings.

The proposed amendments

- 4.4 For this Section 73 Variation of Conditions application, the proposed amendments are as follows:
- 1) The addition of an external staircase and platform to the north elevation of the approved 3CR Annex;
 - 2) The addition of process-floorspace to the north-east corner of the annex. This measures approximately 200sqm in area. Paragraph 4.5 expands on this detail further.
 - 3) Amendments to the materiality of the buildings, comprising the use of a light grey colour applied to the external elevations, as well as façade alterations including the deletion of window openings to the approved building.
- 4.5 With regards to the amended floorspace, the approved 'proposed roof plan' to planning application 23/02625/FP comprised a room labelled 'HVAC room'. This measured approximately 55m² in area. For this S73 application, the part of the structure would be removed and replaced with the process area, as shown on the plans. The stair and lift adjacent to the HVAC room would be retained. The new process area measures approximately 200m² in area. As such, the net difference in the increased floor area is approximately 145m².

5.0 The Planning Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*'.

5.2 The relevant development plan in this case comprises the following:

- North Hertfordshire Local Plan 2011-2031 (2022).

North Hertfordshire Local Plan 2011-2031 (2022)

5.3 The North Hertfordshire Local Plan (2022) was adopted by full council on 8th November 2022.

5.4 The approved planning permission 23/02625/FP was fully assessed against this Local Plan, as well as supporting supplementary planning documents. Therefore, there is no change in the local plan development framework in the time between submission of planning application 23/02625/FP and the submission of this S73 application.

5.5 Whilst this S73 application only focuses on assessing the key amendments, it remains necessary to identify all policies applied to the parent permission. This includes matters that would not be materially impacted upon by this S73 application, such as biodiversity, for example.

5.6 The relevant policies, therefore, are as follows:

- 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
- NE2: Landscape
- NE4: Biodiversity and Geological Sites

- NE5: New and improved public open space and biodiversity
- NE6: Designated 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 (38.9 hectares)

Other material considerations

National Planning Policy Framework (2023)

- 5.7 The National Planning Policy Framework (NPPF, 2023) sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the document is a presumption in favour of sustainable development. The document is a material consideration that is afforded significant weight in the determination of planning applications.
- 5.8 The following sections from the NPPF are relevant to this proposal:
- Chapter 2: Achieving Sustainable Development;
 - Chapter 4: Decision-making;
 - Chapter 6: Building a strong, competitive economy;
 - Chapter 11: Making effective use of land;
 - Chapter 12: Achieving well-designed and beautiful places; and
 - Chapter 14: Meeting the challenge of climate change, flooding and coastal change.

Supplementary Planning Documents

- 5.9 The following SPDs are also relevant to this proposal.
- 'Design' Supplementary Planning Document (2011).
 - 'Vehicle Parking at New Development' Supplementary Planning Document (2011).
 - 'Developer Contributions' Supplementary Planning Document (2023)
- 5.10 Although the 'Design' and 'Vehicle Parking at New Development' SPDs are over ten years old since they were adopted, they remain used by North Hertfordshire District Council. Their use and consideration within the design of the proposed development is identified with the relevant paragraphs of Section 6.0 'Planning Assessment'.

Section 73: Relevant Case Law and NPPG guidance

- 5.11 The Levelling Up and Regeneration Act received Royal Assent on 26th October 2023. As part of the significant changes to, Section 73B is to be introduced to enable variations to planning

consistent which are 'not substantially different'. However, this has not yet been formally incorporated into the Town and Country Planning Act (1990) (as amended) at this time. The General Election may also impact upon whether this comes into full effect as currently intended.

- 5.12 This submission is therefore a standard Section 73B submission. Historically, applicant have sought to gain consent for minor material amendments. There is, however, a changing landscape through case law and the National Planning Practice Guidance (NPPG). I highlight these below, but the purpose is to emphasise that Section 73 submission do enable a much wider scope than previously considered.
- 5.13 Turning to the National Planning Practice Guidance, to the heading 'Amending the Conditions attached to a permission', paragraph 013 (ID: 17a-013-20230726) was updated on 26 July 2023. It defined the applications could be used to make material amendments to permission through varying or removing conditions. It states too that: "There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.
- 5.14 Paragraph 017 (ID: 17a-017-20140306; dated 6 March 2014) has also been deleted, which discussed the definition of minor material amendments, which stated that "there is no statutory definition of a minor material amendment".
- 5.15 The NPPG updates appear to link with the case law established under R (Armstrong) v SoS [2023] EWHC 176 (Admin). In summary, the Council and Planning Inspector both refused a S73 proposals in what was considered to be substantial alterations to the approved drawings. The High Court however held that Section 73 of the Act is not restricted to minor material amendments.
- 5.16 The proposed amendments made under this application are considered to be amendments which are appropriate for a S73 application. The description of development approved under planning permission 23/02625/FP would remain applicable and therefore the operative wording of this consent would continue to be applied, without variation, to this S73 application.

6.0 Planning Assessment

- 6.1 This section of the Planning Statement sets out the main planning considerations pertinent to the determination of the planning application, which are considered to comprise the following:
- Principle of development
 - Design, layout and visual impact
 - Highways, highway safety and parking provision
 - Environmental Protection Matters (Noise, air quality and odour etc.)
 - Flood risk and drainage
 - Landscaping, trees and ecology
 - Neighbour amenity
 - Planning obligations
- 6.2 These considerations are set out in the consent of the extant permission secured under 23/02625/FP.

Principle of development

- 6.3 The application site is within the settlement boundary of Royston. In addition, the site falls within an established employment area within Royston, under Policy ETC1.
- 6.4 Policy ETC1 'Appropriate uses in Employment Areas' states (emphasis added):

*Within the safeguarded Employment Areas, and the Employment Allocations (BA10 and RY9), as shown on the Policies Map, **planning permission will be granted** for office, research and development, **industrial processes**, industrial and storage and distribution uses provided:*

- a) For allocated sites any relevant site-specific criteria are met; and*
- b) Any Use Class B8 development is easily accessible from the primary road network.*

Planning permission for other uses will be granted as an exception to the above criteria provided, they are:

i. Ancillary to the above uses;

ii. Essential to the continued operation of an established premises;

iii. Would bring comparable benefits to office, research and development, industrial processes, industrial and storage and distribution uses in the same location; or

iv. Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time. Conditions and legal agreements will be used to limit uses to ensure that development meets, and will continue to meet, identified employment needs.

6.5 Furthermore, Policy SP3 'Employment' states:

The Council will proactively encourage sustainable economic growth, support new and existing businesses and seek to build on the District's strengths, location and offer. We will:

a) Allocate an adequate supply of employment land to meet the needs of the Functional Economic Market Area over the plan period to 2031. The allocations as shown on the Policies Map are:

i. east of Baldock BA10 (19.6ha); and

ii. west of Royston RY9 (10.9ha);

b) Safeguard Employment Areas within the District's main settlements, as shown on the Policies Map, to enhance and protect their employment potential;

c) Work with landowners, developers and, for sites on the edge of the District, adjoining authorities to identify an appropriate amount of employment land to be included through the masterplanning process in strategic housing sites;

d) Permit an appropriate range of offices, research and development, light industrial or B class employment uses within these areas;

e) Promote and support the expansion of the knowledge-based economy in the District. Proposals for the redevelopment of existing employment sites and the development of new employment sites which increase the level of knowledge-intensive employment will be supported in principle.

f) Support offices, research and development, light industrial and B-class uses in appropriate locations outside of designated employment areas, including offices in main town centres and concentrations of these employment uses in certain villages; and

g) Ensure relevant policies of this Plan recognise the contribution of sectors other than B Class uses and offices, research and development and light industrial uses, including tourism, to the provision of jobs.

6.6 The NPPF (December 2023) states:

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. **Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.** The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.*

6.7 With the extant permission and as per their Officer report, the Local Planning Authority accepted the principle for the development. Such would not materially change with this submission, given the site's location within an allocated Employment Area which supports industrial uses and associated ancillary development. The 3CR annex, with the amendments, would continue to support the wider operations associated with Johnson Matthey.

- 6.8 The principle of development is acceptable and in accordance with Policies ETC1 and SP3 of the Local Plan (2022).

Design, Layout and Visual Impact

- 6.9 Policy SP9 'Design and Sustainability' outlines how good design enforces positive sustainable development, especially in relation to strategic development.

- 6.10 Policy D1 'Design and Sustainability' advises that planning permission will be granted provided that proposals:

a) Respond positively to the site's local context;

b) Take all reasonable opportunities, consistent with the nature and scale of the scheme, to:

i. create or enhance public realm;

ii. optimise the potential of the site by incorporating Sustainable Drainage Systems (SuDS);

iii. reduce energy consumption and waste;

iv. retain existing vegetation and propose appropriate new planting;

v. maximise accessibility, legibility and physical and social connectivity both internally and with neighbouring areas;

vi. future proof for changes in technology and lifestyle;

vii. design-out opportunities for crime and anti-social behaviour; and

viii. minimise the visual impact of street furniture and parking provision;

c) Have regard to the Design SPD, and any other relevant guidance;

d) Within Letchworth Garden City have regard to the Letchworth Garden City Design Principles contained in Appendix 5; and

e) For residential schemes, meet or exceed the nationally described space standards and optional water efficiency standards.

- 6.11 The siting of the 3CR annex, and associated link bridge, is necessary to support the operations of the MFB Building. This was secured through approval of the parent planning permission.

- 6.12 The surrounding area continues to comprise an extensive industrial character. There is variation in height, scale, bulk and appearance across the wider employment area, established as a result of businesses adapting to support their respective site operations and to changing technologies.
- 6.13 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.
- 6.14 The most obvious change, from the previous application, which would be observed from staff or those who pass along Orchard Road, 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, we do not consider this to be 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.



As approved under 23/02625/FP.



As proposed under this S73 application.

- 6.15 It is considered that the colour arrangement, proposed under this S73 application, is an improvement which enhances the building and surrounding employment area. The light grey positioned over the dark grey band at ground floor level, rather than the other way around, appears to be an improved arrangement.
- 6.16 In terms of proportion and massing, the two vertical panels to the south elevation remain, but their arrangement is approved and are no longer quite far part. This amendment, alongside the fascade colour update, is applied to help improve the building's appearance from the street scene.
- 6.17 To the side elevations, it is proposed to move 3 vertical panels on the east elevation and retaining one panel to this elevation, as well as removing two panels to the west elevation, which this elevation would retain one panel. Whilst the panels did help to break up these two elevations, the removal of the panels is not unacceptably harmful. There is some panel retention to both elevations and which are broken up by detailed louvres (which are necessary to support ventilation of the lift shafts). The scale of the 3CR Annex, in comparison to the MFB building with a much larger footprint, is as such, the east and west elevations would not appear overly dominant compared to the approved development, with the separation distances between neighbouring buildings being retained.
- 6.18 The MFB buildings and the 3CR Annex would continue to remain similar in scale, both in terms of height and massing. The separation distances between surrounding buildings would be retained, including the admin/canteen building to the east and the Protech Building to the west.
- 6.19 Finally, to the north elevation of the annex, is an external staircase plus supporting platform. This 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 material impact upon its character.

- 6.20 As described under the previous submission, the Design SPD (2011) has specific design guidance that predominantly focused on Royston's town centre. The scheme however still continues to draw on good design principles, including materiality, built form, understanding the context within which the proposal sites and its use.
- 6.21 Overall, the surrounding area is clearly recognisable as an industrial setting. The amendments proposed to the 3CR annex would not materially impact upon the character and appearance of the surrounding area and such amendments are considered to be appropriate for this site in character terms. The building with its amendments would continue to serve the enhancement of the appearance of the area. It further demonstrates the wider gradual enhancement of the employment area, but without adverse harm to nearby existing buildings.
- 6.22 The proposal accordingly complies with Policies SP9 and D1 of the North Hertfordshire Local Plan (2022).

Highways and Parking Provision

- 6.23 Supporting this submission is the Transport Technical Note submitted with the previous application (with supporting addendum), plus the parking surveys that were issued in support of the proposed development and the Bidwells response issued to the Highway comments under the last application.
- 6.24 The context of the site and Applicant means that there are numerous car parks surrounding the application site. The 'ring-road' context connects these car parks. For Gates 8 and 9, the access points are via Orchard Road, which connects with York Road and Old North Road, the latter via two separate roundabouts. Orchard Road has a speed limit, speed bumps, single yellow lines and it is served by pedestrian footways either side of the highway.
- 6.25 Gate 8 has been closed since prior to the Covid pandemic, on 23rd September 2019. The Applicant advises that it was previously an 'entrance-only' gate with limited use applied to this car park and 9 have been closed since. Gate 9 closed on 1st February 2021, whereby the space was provided to contractors undertaking the works to the MFB building (which received planning consent under 18/01764/FP).
- 6.26 **S73 amendments: Impact upon vehicular parking**
- 6.27 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.
- 6.28 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.

- 6.29 A range of parking surveys across ten of the car parks were conducted over a two week period between 30th October 2023 and Friday 10th November 2023 (which therefore were conducted less than 1 year ago). Across these car parks, the surveys identified that the car parks reached a total capacity at 90% during peak periods, which dropped towards 50% as the day progressed outside of peak periods. Across these ten car parks, with 10% remaining capacity available during these periods, the two spaces can be acceptably accommodated with ease.
- 6.30 Concerns raised by the Highway Authority under the previous application were eventually resolved. A Travel Plan condition (Condition 4) was agreed between the Local Planning Authority and County Highway Engineers. This has not been discharged yet and the amendments proposed under this application would not materially impact upon its scope. It can therefore be re-applied to the S73 application for later review and discharge.

S73 amendments: Impact upon cycle parking

- 6.31 The policy requirement for cycle spaces is to a minimum standard. Through application of the 'Vehicle Parking at New Development' SPD (2011), the standard is 1 space per 250m² (staff), plus 1 space per 500m² (visitors). Based on the development approved under planning consent 23/02625/FP, the minimum policy requirement was 12 cycle space, plus 6 visitor spaces.
- 6.32 With the floorspace alterations, there are minor increases in the required provision for cycles for the amended development. These are not material. The amended floor area would require one additional staff cycle space based on the 'Vehicle Parking at New Development' SPD (2011),
- 6.33 A planning condition (Condition 8) was secured for a scheme for cycle parking prior to first use and occupation of the annex (given that the location to install the cycles would not necessarily be within the red line of the site, because of the highly secure nature of Johnson Matthey and where staff/visitors must utilise select access points). The scheme would be delivered on land in control of the Applicant. It remains appropriate to reapply this condition to this proposal.
- 6.34 In summary of the above, the proposed amendments result in single digit alterations to the provision of car and cycle parking, through the increased floor space as per the proposed plans. The parking surveys still retain valid, given when they were conducted, and which demonstrate that vehicle parking options remain available. The conditions on cycles and travel plan would remain necessary to any planning approval granted to the S73 application.
- 6.35 The proposal would continue to be in accordance with Policies T1 'Assessment of Transport Matters' and Policy T2 'Parking' of the North Hertfordshire Local Plan (2022); and 'Vehicle Parking at New Development' SPD (2011).

Environmental Health

Noise

- 6.36 Supporting this submission is the same noise assessment (October 2023) that assessed the proposals considered under planning permission 23/02625/FP, in relation to the noise character.

- 6.37 Within the report, seven receiver position areas are identified within the assessment and applied across the Royston Employment Area. The outcomes of each of the assessments to each receiver position are provided within Appendix A of the report.
- 6.38 The outcomes of that report concluded that background noise levels would increase by less than 0.5dB (A) at the positions nearest to the residential areas to the east, which the assessment describes would be barely noticeable (page 9 of the assessment). An increase of 1-2 dB is predicted to positions 4 and 5 (i.e. which are nearest to the application site). There is already a noise character associated within this part of the industrial estate. It is not considered in planning terms that such would generate unacceptable or adverse impacts to the amenity of neighbouring industrial uses.
- 6.39 Furthermore, the three key amendments proposed would result in adverse noise impacts to the surrounding area, as these are predominantly structure and materiality changes, rather than noise generating uses. There would be no material noise impact to the nearest residential premises (i.e. to Orchard Way, east of the entire Johnson Matthey complex).
- 6.40 Accordingly, the proposed amendments would not materially impact upon the noise assessment previously considered. The proposal will 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 North Herts Local Plan.

Air Quality

- 6.41 Policy D4 'Air Quality' advises that planning permission will be granted for proposal which:

a) Give consideration to the potential or actual impact on local air quality, both during the demolition/ construction phase and as a result of its final occupation and use;

b) Propose appropriate levels of mitigation to minimise emissions to the atmosphere and their potential effects upon health and the local environment; and

c) Carry out air pollution impact assessments, where required, to determine the impact on local air quality of the development.

Where an air quality impact assessment demonstrates that a development is unacceptable from a local air quality perspective the development will be refused.

Where air pollution impact assessments are not required there will still be a requirement on developers to provide appropriate levels of mitigation to address emissions of pollutants to the atmosphere.

- 6.42 As per the parent planning permission, 23/02625/FP, the annex with its S73 amendments proposed, will not emit anything other than clear air from one vent stack.
- 6.43 Further to engaging with the Council's pre-application service, prior to the submission and determination of planning application 23/02625/FP, the LPA advised:

It is acknowledged from the site visit of the statement made that it is unlikely that there will be any chemical emissions, just exhaust emissions from the rooftop plant as shown on the submitted cross section drawing at the end of the submitted design and access statement. It is recommended that any planning application submission is supported by an emissions assessment report.

- 6.44 Given that the outcomes only result in clean air, a separate approach was suggested to the Planning Case Officer at the time, and it was subsequently agreed to submit a plan to confirm the process details to provide clarity to the impacts to air quality.
- 6.45 The 'Process Flow Diagram', which was submitted under the previous planning application, sought to clarify the operations of the 3CR annex and where 'process products' go to. In essence, all products associated within the Annex operations are transferred to the 'scrubber unit' that is located within the MFB building. Besides clean air being released via a vent to the 3CR annex roof, no other products are released into the atmosphere. All process and exhaust gases would be routed back to the MFB building via ducting infrastructure.
- 6.46 Within the Local Plan (2022), paragraphs 9.25 to 9.39 represent the supporting policy text under Policy D4. It recognises air quality as a material planning consideration, with transport being a key air quality problem to resolve, but the development does not exceed the parameters specified in paragraph 9.31 of the North Herts Local Plan (2022).
- 6.47 The North Hertfordshire 'Air Quality' Planning Guidance Document (2018) enables proportionate measures (which are proportionate to the scale of the proposed development) can be captured through planning conditions. This includes monitoring, and the monitoring and recording of emissions, to demonstrate that nothing else beyond clean air would be emitted, can be reasonably secured through planning.
- 6.48 Condition 7 of planning permission 23/02625/FP secured 'Process Flow Diagram' as a planning compliance condition. This would be appropriate to re-condition under this S73 application.
- 6.49 Accordingly, the proposal abides by the requirements outlined under Policy D4 of the North Herts Local Plan (2022).

Contamination

- 6.50 Given the site represents 'previously developed land' that has been managed by Johnson Matthey since they began operations in Royston and previous contamination reports have been undertaken, no new reports are considered necessary to support this application proposal.
- 6.51 If the LPA consider necessary, and similar to the planning conditions applied to planning application 18/01764/FUL, the Applicant would be willing to discuss appropriate conditions to deal with any contamination. However, such conditions were not considered necessary for application reference 23/02625/FP and therefore we do not expect such conditions to arise for this S73 application.
- 6.52 The proposal is in accordance with Policy NE11 'Contaminated land' North Hertfordshire Local Plan (2022).

Flood Risk and Drainage

- 6.53 For this S73 application, the proposed amendments would not materially impact upon the flood risk and drainage considerations.
- 6.54 The site is located within Flood Zone 1. It is less than 1ha in area. As such, there is no validation requirement to produce a Flood Risk Assessment (FRA), as per the parent permission.
- 6.55 Policy NE7 'Reducing Flood Risk' supports development located outside of Flood Zones 2 and 3. The site is located within Flood Zone 1 and therefore, by the Environment Agency's standards, the site is at low risk of flooding.
- 6.56 Supporting this S73 application is a document titled Annex Building Drainage Philosophy, alongside a proposed drainage layout plan. These were both submitted as part of the parent planning permission.
- 6.57 The Drainage Philosophy Document describes the different transfers of water. In particular, for surface water, water will be collected by rainwater outlets, which combines into rainwater pipes and which these connect to the stormwater manholes, which ties into the Johnson Matthey controlled network. The water then arrives at the Value Recovery Plant (VRP) where it is treated.
- 6.58 There is no discharge into public sewers, thus the proposal would not contribute to increase adverse flow volumes into the public network. There is no risk of flood water falling outside the scope of the application site or outside of land that is control of Johnson Matthey. Further details on drainage design however can be secured appropriately through a planning condition.
- 6.59 No comments were raised by the Lead Local Flood Authority under the previous application. Affinity Water raised no objections to the previous approval either, but they requested informatives be appended to the Decision Notice of the full planning consent. With the proposed amendments, it is likely that Affinity Water reissue these comments, which we have no objection to the same informatives being applied to the S73 Decision Notice if approved.
- 6.60 The proposal therefore remains in accordance with Policy NE7 of the North Hertfordshire Local Plan (2022).

Landscaping, Trees and Ecology

- 6.61 The proposed amendments sought would not impact upon the conclusions, or the planning compliance condition, that was secured under the previous application.
- 6.62 The Employment Area, by nature of its character, is predominantly a hard environment, but with pockets of soft spaces and trees. To the south of the site, there are trees that are parallel with the Orchard Road highway, all which are growing on the south side of this road. For the avoidance of doubt, these trees are to be retained and would not be impacted by the proposed development.
- 6.63 There is one existing tree within the application site that is between the Gate 9 car park (west boundary) and the Protect building to the west. As part of this S73 application, this tree is still

proposed to be retained. Its roots would not be encroached upon by the footprint of the proposed 3CR annex, even with the amendments proposed. The approved Preliminary Ecological Appraisal (PEA) has been resubmitted with this S73 application, and which highlights that the Applicant will ensure that the tree is protected.

- 6.64 With regards to Biodiversity Net Gain (BNG), two calculation sheets have been produced by SLR Consulting, which utilise Biodiversity Metric 4.0. These were both submitted under the previous application. This includes one calculation without uplift, plus another calculation sheet utilising grassland to the existing gravel area adjacent to the front of site. **With trading rules satisfied, this demonstrates a 195% BNG increase.** The proposed S73 amendments do not impact upon the existing or proposed calculations of this figure. This therefore continues to represent a significant increase when compared to the existing baseline.
- 6.65 The Council supported the PEA and BNG calculation sheets under the full planning permission. The proposed amendments, including the external stairwell, external material alterations and floor space updates, would not materially impact upon these considerations. Condition 6 of planning permission 23/02625/FP secured compliance within the recommendations within the PEA. We consider it appropriate that this condition is reapplied to this S73 application if permitted.
- 6.66 The proposal is compliant with Policy SP12 'Green Infrastructure, Landscape and Biodiversity' and Policy NE4 'Biodiversity and Geological Sites' of the North Hertfordshire Local Plan (2022).

Neighbour amenity

- 6.67 There are no residential neighbours immediately adjacent to the site. As such, the proposed amendments would not result in adverse, unacceptable impact to the amenity and enjoyment of residential dwellinghouses and their occupiers.
- 6.68 The surrounding area is served by numerous commercial and industrial units. The scale of the building approved under 23/02625/FP is similar with other buildings within this area. The proposed height would not change, but even with the proposed amendments (especially those to the roof of the building), the proposal would not project adverse overbearing, shadowing or loss of privacy impacts to the detriment of this employment.
- 6.69 The outcomes of the supporting noise assessment remain applicable to this application. The proposal would not result in adverse noise impacts to the amenity of surrounding neighbours. Additionally, there would no adverse impact upon the amenity of neighbours in terms of air quality through the proposed amendments. No emissions, beyond clean air, would be released.
- 6.70 The proposal therefore is compliant with Policy D3 'Living Conditions' of the North Hertfordshire Local Plan (2022).

Planning Obligations

- 6.71 Policy SP7 'Infrastructure Requirements and Developer Contributions' requires development proposals to make provision for infrastructure contributions, where necessary, in order to accommodate additional demands from development.

- 6.72 The [Developer Contributions SPD \(2023\)](#) aids to determine the necessity for proposals to provide obligations given the impacts of such being implemented. Following review of this SPD, and review of the pre-application responses with the Local Planning and County Highway Authorities, no planning obligations were identified that needed to be submitted with the proposal considered under the full planning application reference 23/02625/FP.
- 6.73 None of the amendments under this S73 application would materially impact upon this position or give rise to introduce any new planning obligations.
- 6.74 The proposal, therefore, is in accordance with Policy SP7 of the North Hertfordshire Local Plan (2022).

7.0 Conclusion

- 7.1 This Planning Statement has been prepared by Bidwells LLP on behalf of Johnson Matthey PLC to support an application for Full Planning Permission to North Hertfordshire District Council for:
- Application for a S73 'Variation of Conditions' application to vary the approved plans to include: i) external staircase and supporting platform; ii) external elevation alterations; and iii) increase in floor area; pursuant to planning permission 23/02625/FP.***
- 7.2 The amendments are focused to: i) the external staircase and supporting platform to the north elevations; ii) the net gain of approximately 150m² of floorspace to the annex roof and iii) external materiality alterations including the colour change of elevations to the annex; have been assessed against the Council's Development Plan Framework. We consider that the proposed development aligns with the adopted Local Plan (2022).
- 7.3 The amendments are minor against the development approved under planning permission reference 23/02625/FP. With the site located within the established employment area, there is in-principle support for development of this type and the proposed amendments would contribute to the package of benefits the overall development brings.
- 7.4 Condition 3 (CTMP) has already been fully discharged under application reference 24/00957/DOC. The material that was discharged has been resubmitted with no amendments alongside this application. It is therefore requested that the condition covering the CTMP (whether it is Condition 3 again, or whether it is assigned a new number) is updated to a planning compliance condition, to avoid an unnecessary application to re-discharge the condition again.
- 7.5 In respect of all other conditions, these can be pulled through on the basis of the updated plans being captured.
- 7.6 It is respectfully requested that the planning permission is granted. Please do contact me if any clarity is required with any part of the submission.

