

ITEM NO:

<u>Location:</u>	Bell Farm Industrial Park Bell Lane Nuthampstead Hertfordshire SG8 8ND
<u>Applicant:</u>	Lucas and Co.
<u>Proposal:</u>	Erection of 9 dwellings with access following demolition of industrial buildings (all matters reserved except for access) as amended by details received 7th June 2023.
<u>Ref.No:</u>	23/00549/OP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 06/06/2023

Extension of statutory period: 20/09/2023

Reason for Delay:

To present the application to an available committee meeting.

Reason for Referral to Committee:

The application is for residential development and the site area totals more than 0.5HA.

1.0 **Site History**

- 1.1 Extensive site history between 1978 and 2001 relating to the continued use of the site as an industrial park. Relevant applications are as follows:
- 1.2 **01/01552/1** - Single storey front extensions to industrial units – Permission granted
- 1.3 **00/00496/1** - Change of use of land and building for storage and sale of building materials (Nissen hut) – Permission refused.
- 1.4 **94/00865/1** - Continued use of 3 units (numbers 3, 6 and 12b) for general industrial purposes within Use Class B2 - Permission granted.
- 1.5 **88/01169/1** - Change of use of premises from animal lairage light industrial and offices to uses within classes B1 (Business) and B8 (Storage) of the schedule to the Town and Country Planning (Use classes) order 1987 with ancillary alterations to buildings - Permission granted.
- 1.6 **87/01525/1** - Continued siting of mobile home - Permission granted

1.7 **86/00791/1** - Outline application (design, external appearance and landscaping reserved) for the erection of one dwelling – Permission refused

1.8 **85/00943/1** - Continued use of premises as lairage/animal isolation unit and part for light industrial and office purposes - Permission granted.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP5 - Countryside and Green Belt

Policy SP8 - Housing

Policy SP9 - Design and Sustainability

Policy CGB1 – Rural Area beyond the Green Belt

Policy T1 - Assessment of transport matters

Policy T2 - Parking

Policy D1 - Sustainable Design

Policy D3 - Protecting Living Conditions

Policy HE1 - Designated heritage assets

Policy NE4 – Biodiversity and geological sites

2.2 **National Planning Policy Framework (July 2021)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding, and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – Comments received from Teanga Cluig, The Old Bell, Browns Cottage, Bulls Farm, Whites Farm, 1 Dimsdale Cottages, 12 Gilders, Hillside, Bell Cottage, Skylark Cottage and Herts and Middlesex Wildlife Trust. 7 in support, 3 neutral and 1 objection on the following grounds (summary):

- The proposal would improve the appearance and general feel of the hamlet, compared to the current industrial park.
- The current land use is a nuisance and the large vehicles/HGVs currently using the site would no longer need to visit the area, reducing traffic.
- Strong support for retaining the mature trees at the front of the site.
- Would like to see local ecology protected, including the existing hedgerows on the site's perimeter, swifts, bats and newts.
- Concerns over what established utilities would be required.
- There is a current Right of Way through the site to Bell Cottage, which will need some consideration.

3.2 **Hertfordshire Highways** – Initial comments were received on the 30th March 2023, concluding the following:

“The Highway Authority cannot support the outline planning application as it is fundamentally unsustainable. However, should the LPA decide to approve the

proposals, the Highway Authority would require detailed plans that are scaled and verifiable. Amongst these would be, but not constrained to: drainage, levels, definitive boundary line, demonstrating Highway Authority land, visibility splays etc”.

Following this, the LPA spoke with the Highways Officer regarding the sustainability concerns. In accordance with the latter part of the above, detailed access plans were submitted on the 7th June 2023 for comment. Following re-consultation with the Highway Authority, the following response was received on the 3rd July 2023:

“The Highway Authority under the current submission cannot support the outline application due to the application has failed to demonstrate a satisfactory policy and design-led approach to the vehicle access contrary to Hertfordshire’s Local Transport Plan (LTP4) policies 5 and 6 and also contrary to the principles of sustainable development contained in the NPPF, therefore the proposals represent a risk to highway safety for all road users”.

- 3.3 **Nuthampstead Parish Council** – *“As Clerk to the Nuthampstead Parish meeting I can confirm that the proposed development of the site at Bell Farm was briefly discussed at the Parish AGM held on 11 May 22. It was explained to the meeting that the major options for the site were, to remain as industrial units, a care home or nine residential properties. After discussion we held a show of hands for the three options. There were no votes for the industrial units or the care home with everyone in the room voting for residential use. There were twenty-eight villagers present at the meeting. I think this gives a clear indication of the views of our village regarding this site”.*
- 3.4 **Environmental Health (Air Quality)** – No objection subject to conditions relating to a Demolition and Construction Management Plan and the inclusion of EV charging points.
- 3.5 **Environmental Health (Land Contamination)** – No objection subject to condition relating to Preliminary Risk Assessments.
- 3.6 **Environmental Health (Noise/Nuisances)** – None received.
- 3.7 **Hertfordshire Ecology** – *“I support the mitigation measures recommended within the documents referred to above; including, but not limited to those involving bats, great crested newts, nesting birds, reptiles, hedgerows and trees. I advise that these measures should be followed in full and must be clearly demonstrated within any finalised development plans submitted at the relevant reserved matters stage”.*

The proposed demolition of building B1 will result in the loss of a confirmed bat roost. I therefore advise an informative should be attached to any permission to the effect that:

A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to.

Due to the possibility of bats using different roosts over time, reliable, up-to-date information is required for the bat licence application. If the proposed works are not conducted before summer 2024, then updated nocturnal surveys will be required to inform the bat licence application.

Based on the outline development plan provided, I advise that a Biodiversity Net Gain Plan must be provided using the Defra Biodiversity Metric to demonstrate how a minimum of 10% Biodiversity Net Gain (BNG) will be fulfilled by this development. A full and complete BNG metric consistent with Natural England guidance, including the original Excel document and correct metric type is required. Local planning policy is in place requiring BNG, therefore the application should not be determined until this is addressed. These metric calculations will need to be updated at the time of any finalised development plans”.

3.8 Hertfordshire Growth and Infrastructure – *“HCC wish to WITHDRAW obligations sought on 30th March 2023.*

Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. Therefore, we will not be seeking financial contributions. However, you may receive separate comments from the Highways Unit”.

3.9 Hertfordshire Rights of Way – *“As stated in the application document, the diversion of the footpath must be applied for and accepted formally by Hertfordshire County Council, while the footpath is on the current definitive line it must remain open and accessible. During construction, the footpath must be unobstructed and safe for members of the public to use. If there is a legitimate reason for needing to close the footpath, a Temporary Traffic Regulation Order will need to be applied for and accepted by Hertfordshire County Council”.*

3.10 Hertfordshire Archaeology – No objection subject to condition relating to Archaeological Scheme of Investigation.

3.11 Waste and Recycling – *“Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.*

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste’s requirements to support driving waste up the waste hierarchy.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, with a maximum gradient of 1:12.

The vehicle tracking is welcome, but there is no indication of the turning capability of the freighter used. We would need to see that a freighter with a kerb-to-kerb radius of 12.1m could access, turn and egress the site in forward gear.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions, then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

For houses, bins should be ordered direct from the Council’s contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day”.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site comprises a series of industrial buildings, known as Bell Farm Industrial Park, located off Bell Lane within the village of Nuthampstead. There is the main cluster of buildings, mainly single storey in form but with a proportion of two storey height buildings. There is also a large Nissen hut of brick construction, located towards the east of the site. In total there are 22 individual industrial units. The site is 1.48 HA. The depth of the site from Bell Lane is some 120 metres, with a maximum width of 150 metres. A large area of concrete hardstanding spreads across much of the site, after the verdant frontage of mature trees and lawned entrance. There are mature hedgerows and trees to all boundaries. The whole village is washed over by Rural Area beyond the Green Belt.

4.2 **Proposal**

4.2.1 The application seeks outline planning permission for the erection of 9 dwellings with access following demolition of industrial buildings (all matters reserved except for access) as amended by details received 7th June 2023.

4.3 **Key Issues**

4.3.1 The key issues in the determination of the application are:

- The Principle of Development
- Rural Area beyond the Green Belt
- Sustainability
- Heritage Assets
- Highways/Access
- Ecology

As all matters are reserved apart from access, therefore details relating to design, landscaping, layout, and scale are not submitted for consideration at this point.

Principle of Development

4.3.2 The application site lies within the built core of the village of Nuthampstead, which within the Local Plan is identified as a Category C village. Policy SP2 - Settlement Hierarchy of the Local Plan states “*Only limited affordable housing and facilities for local community needs will be allowed in the Category C settlements*”.

4.3.3 Given the above, it is considered that new housing in this location would be contrary to Policy SP2. That said, a material consideration in this regard is the fact this site is previously developed land as a significant Industrial Park of 22 separate units of varying sized floorspace. The argument put forward is that the existing use and the associated significant amount of vehicle trips, including large vehicles/HGVs, built form

and a high degree of noise and disturbance for existing residents, makes the site ideal for replacement with a small housing development, such as that proposed. The site is flanked by residential dwellings on both sides and opposite all along Bell Lane, which would see the proposed housing development better relate to its immediate surroundings, when compared to the existing industrial park.

- 4.3.4 The utilisation of previously developed land (PDL)/brownfield sites for development is inherently sustainable and wholly supported within the NPPF. Paragraph 119 of the NPPF states:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”.

- 4.3.5 Whilst this site is not on the Brownfield Register, it can be considered as a windfall site with material considerations, as evidenced above, in favour of the principle of development. Therefore, whilst the proposed development would be contrary to Policy SP2 of the Local Plan due to the Category C designation of the village, the current land use and its associated buildings, traffic and impacts is such that the proposed re-development of this site for 9 dwellings would be more desirable compared to the current use and built form. The site is PDL/brownfield and therefore, the proposed development is considered acceptable in principle when assessed against the framework as a whole. This should attain significant weight in my view.

- 4.3.6 Moreover, as the site is currently an Industrial Park outside of a defined Employment Area and the proposal would result in the loss of existing employment, Policy ETC2 of the Local Plan is also relevant. This policy states:

“The Council will only permit the loss of existing employment uses on unallocated sites, where it can be demonstrated that:

- i. the land or premises is no longer required to meet future employment needs of either the local community or the District, demonstrated through evidence of at least twelve months of active marketing;*
- ii. the existing use has a significant adverse impact on the amenities of surrounding land uses; or*
- iii. the existing use is detrimental to highway safety”.*

- 4.3.7 Regarding criterion i) of Policy ETC2, the agent has submitted a full summary of the marketing process and results of that process in the marketing report. In summary, viewings were not extensive in number but of those that did view the site and buildings, there was no interest to purchase or to take a lease for the whole site for the current use. Feedback on reasons was because of the remote location for national transport links and for staff to travel to this rural area, as a large operating business. The buildings are also of ‘tired’ condition, with a large financial investment required to upgrade and adapt the buildings for continued industrial or other commercial uses. Regarding criterion ii), it is not considered that the existing use of the site as an Industrial Park has a significant adverse impact on the amenities of surrounding land uses. However, in the spirit of this policy, it is considered that the proposed residential development would be more akin and in-keeping with the surrounding land uses, which are all residential, compared to the existing industrial use. Lastly, pertinent to criterion iii), it is not considered or that the existing use of the site is detrimental to highway safety. That said, in a similar vein to the considerations under ii), the proposed

residential use would have a significantly reduced number of vehicle trips from occupiers, visitors and minor service vehicles, when compared to the intensive amount of vehicle trips of the current use as an Industrial Park.

- 4.3.8 Overall, considering Policy ETC2 of the Local Plan, the existing use of the site as an Industrial Park has been here for a long time and it is considered that it is not the most appropriate location or sustainable location for employment uses, as evidenced by the marketing report showing no interest during the 12 months of active marketing. Whilst the argument has not been put forward that the existing use has significant impact upon neighbouring amenity or is detrimental to highway safety, it is considered that the proposal would not conflict with the aims of the Policy. The proposed use of this site for residential is more appropriate in this location than the current industrial park. The proposal is therefore deemed compliant with Policy ETC2 of the Local Plan.

Rural Area beyond the Green Belt.

- 4.3.9 The application site is located within the Rural Area beyond the Green Belt. As the site is currently an industrial park with several large buildings on it, Policy CGB4 of the Local Plan is considered relevant in this instance. The policy is worded as follows:

“Policy CGB4: Existing buildings in the Rural Area Beyond the Green Belt

a) 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”.

- 4.3.10 Given that the existing buildings on site are to be replaced by dwellings, part (c) is relevant in this case.
- 4.3.11 The current on-site condition comprises a main cluster of buildings on the central and eastern areas, mainly single storey in form but with a proportion of two storey buildings to the rear. There is also a large Nissen hut of brick construction, located towards the east of the site. In total there are 22 individual industrial units. The buildings are primarily white in colour and utilitarian in nature, set back from Bell Lane by approx. 35.0m with an area of lawn and large trees in-between. On the west side of the site, it is more open with large hedgerow on the frontage with Bell Lane, areas of green lawn and hardstanding, with a number of shipping containers sited.
- 4.3.12 The proposed site plan, whilst indicative at this stage given the outline nature of the proposal, identifies how the 9 dwellings would be positioned on the site. The primary access would serve 8 dwellings, with plots 1 and 9 positioned on the frontage area each side of the access road facing inwards and the remaining dwellings behind in a 'T' shaped fashion. Plot 2 would be served by the secondary access due east of the primary access.
- 4.3.13 The proposed dwellings towards the front of the site, namely plots 1, 2 and 9, would be set back from Bell Lane by approx. 25.0m, 35.0m and 10.0m respectively. Plots 1 and 2 are positioned in areas where built form currently exists in the form of single-storey industrial buildings. Plot 1 would be approx. 10.0m closer to Bell Lane than the existing buildings and be of two-storey proportions rather than single-storey. Plot 2

would be the same distance from Bell Lane compared to the existing buildings but would comprise two-storey form instead of single-storey. It could therefore be considered that the taller, closer Plot 1 and the taller Plot 2 could result in a materially greater impact on the openness, contrary to Policy CGB4. However, it is noteworthy that the spread of these dwellings towards the front of the site would still achieve a good setback position and allow retention of the frontage trees. Moreover, in this more even spread across the site's frontage, with very spacious settings for each plot, this allows for regular and generous sky gaps and openness in between the dwellings, instead of the current very large block massing that is approx. 55.0m wide. Therefore, given the above, it is considered that Plots 1 and 2 would not result in a materially greater impact upon the openness of the Rural Area beyond the Green Belt. Furthermore, even though Plot 9 is positioned 10.0m from Bell Lane in an area where there is currently no built form, there is an existing mature hedgerow screening the western portion of the site from view. This hedgerow is proposed to be retained and therefore, will screen the dwelling from view in the majority of aspects. Therefore, it is further considered that Plot 9 will not result in a materially greater impact upon the openness of the Rural Area beyond the Green Belt.

- 4.3.14 As for the remaining proposed dwellings that are positioned further back into the site, the majority of these would be sited on areas where built form currently exists and the site plan as a whole, although indicative, is a reasonably designed scheme with generous plot sizes and massing. Therefore, there are no concerns with respect to the remaining plots on their potential material impact upon the openness of the Rural Area beyond the Green Belt.
- 4.3.15 Overall, and notwithstanding that layout and scale are reserved matters, having considered the indicative site layout plan in the context of the existing layout, set back distances and landscaping, it is considered that the proposed development would not result in a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt than the original buildings, in accordance with Policy CGB4 of the Local Plan. This should be significant weight in my view.

Sustainability

- 4.3.16 The overarching goal of the NPPF is to achieve sustainable development, as outlined within paragraph 7. The three overarching objectives of economic, social, and environmental sustainability are considerations that should be weighed up in the planning balance.
- 4.3.17 With respect to economic sustainability, the erection of 9 dwellings would bring significant benefits throughout the construction phase, which would likely utilise local tradesmen. Other economic benefits as I see them, are the use of more local services in surrounding villages, such as Barkway, as well as slightly more distant services in Royston. These benefits are considered to be modest in my view and attribute modest weight.
- 4.3.18 Social sustainability would be benefitted through the delivery of 9 dwellings towards the District's housing supply which could be delivered relatively quickly. The contribution that this proposal for nine dwellings should be given modest weight in my view.
- 4.3.19 Lastly, environmental sustainability would be impacted significantly by the development. The redevelopment of this site, which constitutes PDL, would have a significantly reduced number of vehicle trips from occupiers, visitors, and minor service vehicles, when compared to the intensive amount of vehicle trips of the current use as

an Industrial Park. Occupiers would be reliant upon the private vehicle to access most facilities and services, given the rural nature of the village which does not benefit from any public transport. However, the site is close to Barkway, which is a Category A settlement, and is only a few miles from Royston, which has all everyday needs and services, as a main town of the District. A condition is recommended that all dwellings be supplied with an EV charging point. Therefore, the proposal would be a significant improvement in terms of emissions compared to the diesel distribution and delivery lorries and HGVs, associated with the existing industrial use. Ecological matters, namely protected species such as bats, swifts and newts, will be considered later in this report.

Heritage Assets

- 4.3.20 The site is not within the Conservation Area and the proposal will not result in any harm to that designated heritage asset.
- 4.3.21 The site is within relatively close proximity to two neighbouring listed buildings. Whites Farm is located to the south-west of the site and further to the south-west on the opposite side of the road is Willow Cottage, both of which are Grade II listed properties. There are no concerns with respect to Willow Cottage, which is a significant distance from the proposed development. Whites Farm is located immediately west of the site and would be approx. 30.0m from plot 2. In this respect, there is a substantial two storey annexe building at Whites Farm and this building is situated in between Whites Farmhouse and the site. This building is such that it will screen most views between the dwelling and plot 2, to the extent that in my opinion, the proposal would not harm special character and significance of this listed building through development within its setting.
- 4.3.22 In my view, given the proposed indicative layout of the development compared to the existing buildings on site, the distances involved between the proposal and those listed buildings, and the annexe at Whites Farm, it is considered that the proposal would not result in material harm to the heritage significance of the two Grade II listed buildings, and the proposal would be in accordance with Policy HE1 of the Local Plan and Section 16 of the NPPF.

Highways/Access

- 4.3.23 In terms of access, there are two existing access points from Bell Lane, one main access of dual width and one minor single width access. The submitted Planning Statement states that both access points require no alteration as the bell mouths and visibility splays are already of a very good standard and are considered to meet modern highway requirements.
- 4.3.24 The formal response from the Highway Authority raised some concerns with the proposed use of two access points for the proposed development, stating that they would support a single access point. Whilst this may be the case, the access points are existing and are of a good standard as they are, achieving the required visibility splays for a 30mph road. Seeing as the single lane access road will serve a single dwelling (plot 2) and the main double width access will serve the remaining 8 dwellings, it is considered that the use of two existing accesses would not be materially harmful in planning terms or result in adverse levels of conflict between future users.
- 4.3.25 The formal response was also concerned with the visibility splays as shown on the plans, stating that they should be shown at 120m instead of 43m as the road has a speed limit of 40mph. However, having checked this, the road has 30mph limit and

therefore, the 43m visibility splay is acceptable. This has been confirmed with the Highway Authority via email.

- 4.3.26 The formal Highways response also raised concerns about the pedestrian suitability of the site, stating that there are no footways present on Bell Lane and that the majority of trips would be undertaken by private vehicles. Whilst this is noted, it is a matter that has already been considered in this report relating to the principle of the proposal, concluding that the proposed residential development would be less harmful and more appropriate in this location compared to the existing use of the site as an Industrial Park. The site is in a rural area, not a suburban area as stated in the formal response, so it is accepted that footways will be less prevalent in such places.
- 4.3.27 Finally, the response from Highways concludes that the proposal is not within a sustainable location and that housing should be delivered in the most sustainable locations where connectivity is maximised, the need to travel by car is minimised, and safe and direct walking and cycling routes are provided. Each application is considered on its own merits and whilst this general approach is supported by the LPA, in this case the site-specific circumstances justify this proposed development in this specific case. The existing use of the site is inappropriate in this location and is contrary to the prevailing character of this part of the District, such that the proposed use will be more suitable as expressed in sections 4.3.5 and 4.3.8 of this report. Overall, with respect to the concerns raised above, it is considered that the proposed development will not give rise to unacceptable levels of highway safety. This is deemed in line with Policy T1 of the Local Plan.

Ecology

- 4.3.28 The County Council's Ecology Department have formally responded to this application stating that the recommendations supplied within the Preliminary Ecological Assessment should be followed in full and demonstrated on any finalised plans within the Reserved Matters application. As such, a condition shall be recommended to ensure this is carried out. Moreover, the response from Herts Ecology also recommended an informative that a European Protected Species License for bats will be required from Natural England prior to the commencement of development. Lastly, seeing as this would class as a major site for the purposes of Biodiversity Net Gain (BNG), a condition will be recommended stating that during the Reserved Matters stage, a BNG of minimum +10% must be demonstrated prior to determination. This is deemed in accordance with Policy NE4 of the Local Plan.

4.4 Conclusion

- 4.4.1 In conclusion, it is considered that the proposed development is acceptable in planning terms when considered against the Local Plan and the Framework as a whole. Whilst it is acknowledged that new housing in this location would be contrary to Policy SP2, a weighty material consideration in this regard is the fact this site is previously developed land as an Industrial Park of 22 separate units of varying sized floorspace. The argument put forward is that the existing use and the associated significant amount of vehicle trips, including large vehicles/HGVs, built form and a high degree of noise and disturbance for existing residents, makes the site ideal for replacement with a small housing development, such as that proposed.

Moreover, considering Policy ETC2 of the Local Plan, the existing use of the site as an Industrial Park has been in this location for a long time and is now considered to not be in the most appropriate location, as evidenced by the marketing report showing no interest during the 12 months of active marketing. Whilst the argument has not been

put forward that the existing use has significant impact upon neighbouring amenity or is detrimental to highway safety, in the spirit of this policy it is considered that the proposed use of this site for residential is more appropriate in this location than the current industrial park.

Having considered the indicative site layout plan in the context of the existing layout of the site, set back distances and landscaping, it is considered that the proposed development would not result in a materially greater impact on the openness, purposes or general policy aims of the Rural Area beyond the Green Belt compared to the original buildings, in accordance with Policy CGB4 of the Local Plan and the proposal would enhance the character and appearance of the area.

The proposal would provide modest economic and social benefits, through the delivery of 9 units and the use of local tradesmen during the build phase. In terms of environmental sustainability, the proposed redevelopment of this site, which constitutes PDL, would have a significantly reduced number of vehicle trips from occupiers, visitors, and minor service vehicles, when compared to the intensive amount of vehicle trips of the current use as an Industrial Park. Occupiers would be reliant upon the private vehicle to access most facilities and services, given the rural nature of the village which does not benefit from any public transport. However, the site is close to Barkway, which is a Category A settlement, and is only a few miles from Royston, which has all everyday needs and services, as a main town of the District. These would be accessible by cycle. In addition, a condition is recommended that all dwellings be supplied with an EV charging point.

The proposal would not result in harm to the significance nearby grade II listed buildings, Whites Farm and Willow Cottage through development within their setting.

In terms of highways/access impacts, it is noted that the Highway Authority have raised concerns with the proposal. That said, these concerns around the use of two accesses, the pedestrian suitability of the site, the sustainability of the site, and visibility splays have all been appropriately assessed in this report, such that in my view there are no sustained reasons to refuse permission relating to these matters.

The ecological matters outlined within the supporting documents will be dealt with via conditions/informatives, as per the formal response from the County Councils Ecology Department.

Overall, the proposed re-development of this Industrial Park into 9 dwellings is considered acceptable in planning terms, in accordance with Policies ETC2, CGB4, HE1, T1 and NE4 of the Local Plan and Sections 2, 5, 11, 14, 15 and 16 of the NPPF.

4.5 Alternative Options

4.5.1 N/A

4.6 Pre-Commencement Conditions

4.6.1 The agent is in agreement with the proposed pre-commencement conditions.

4.7 Climate Change Mitigation Measures

4.7.1 In accordance with the consultation from Environmental Health, a condition stating that the proposed development shall incorporate an EV charging point will be implemented

on any subsequent decision notice. This is in accordance with Section 14 of the NPPF 2021.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

- 1 Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 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.

- 4 The ground reports have highlighted, the site poses some significant risk during the demolition and construction phase from the escape and release of fine dusts associated with the presence of asbestos, and any as yet undetected contaminants, either ground based or contained within the buildings.

It will be a requirement prior to commencement of works on site, to determine the extent of asbestos materials on the site, and to determine the nature of other contaminants associated with previous industrial processes on the site, to ensure appropriate control measures are established to remove these materials prior to any demolition or construction taking place.

The works shall not proceed without the receipt of an approved Detailed Demolition and Construction Management Plan, by NHDC. This is in order to ensure that adequate measures are adopted to control nuisance during works associated with the development from the spread of pollution, notably dust and fine particulate matter.

Reason: To ensure the development, which includes substantial demolition and construction, is carried out in an appropriate and safe way.

- 5 Prior to occupation, all the proposed 9 dwellings within the proposed new development shall each incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

- 6 (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

- 7 The recommended mitigation measures set out in the Preliminary Ecological Appraisal by MKA Ecology (report date: 17 November 2022), the Preliminary Roost Assessment by MKA Ecology (report date: 6 March 2023), the Ecology Technical Note: HSI surveys by MKA Ecology (report date: 3 March 2023), the Ecology Technical Note: Great crested newt eDNA survey by MKA Ecology (report date: 16 May 2023) and the Nocturnal Bat Roost Survey by MKA Ecology (report date: July 2023), including, but not limited to those involving bats, great crested newts, nesting birds, reptiles, hedgerows and trees, shall be followed in full and must be clearly demonstrated within any finalised development plans submitted at the relevant reserved matters stage.

Reason: To ensure that the protected species and habitats are not adversely impacted by the development, in accordance with Policy NE4 of the Local Plan.

- 8 Based on the outline development plan provided, a Biodiversity Net Gain Plan must be provided using the Defra Biodiversity Metric to demonstrate how a minimum of 10% Biodiversity Net Gain (BNG) will be fulfilled by this development. A full and complete BNG metric consistent with Natural England guidance, including the original Excel document and correct metric type is required. Local planning policy is in place requiring BNG, therefore the application should not be determined until this is addressed. These metric calculations will need to be updated at the time of any finalised development plans.

Reason: To achieve a BNG of at least 10%, in accordance with Policy NE4 of the Local Plan.

- 9 A. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- B. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. 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.