



# Planning Committee Report

**Application Number:** WNS/2023/0363/MAF  
**Location:** Millfield Business Park Banbury Lane Pattishall NN12 8FB  
**Development:** Proposed erection of a commercial building for workshops and storage (Use Classes B2 and B8)

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**Applicant:** Sharmans Agricultural Ltd  
**Agent:** Browne Jacobson LLP  
**Case Officer:** James Paterson

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**Ward:** Bugbrooke

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**Reason for Referral:** This is a major planning application.

**Committee Date:** 3 August 2023

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PERMISSION FOR THE DEVELOPMENT SUBJECT TO CONDITIONS

### **Proposal**

Proposed erection of a commercial building for workshops and storage (Use Classes B2 and B8)

### **Consultations**

The following consultees have raised **objections** to the application:

- Pattishall Parish Council

The following consultees have raised **no objections** to the application:

- WNC Planning Policy, Environment Agency, WNC Highways, WNC Environmental Protection, WNC Developer Contributions, WNC Archaeology, TVP Crime Prevention Design Advisor, Anglican Water

The following consultees are **in support** of the application.

- WNC Economic Development

10 letters of objection have been received and 1 letter of support has been received.

### **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Design and Visual Impact
- Neighbouring Amenity
- Highway
- Flooding and Drainage
- Ecology
- Land Quality

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1 APPLICATION SITE AND LOCALITY**

- 1.1 The application site is located within an area of undulating open countryside approximately 200m to the east of the village of Pattishall. The site is in the bottom of a valley which gently rises towards Pattishall as well as to the east of the site. The site formed part of a former sewerage treatment works but now forms the periphery of a modest business park. The site is currently free of built form, although it is enclosed by green metal fencing; much of the site is covered in hard standing and is used for the storage of building materials.
- 1.2 Various businesses are in situ across the wider Millfield Business Park, these vary in nature but all fall within B2 and B8 uses.
- 1.3 The site is accessed by a concrete driveway of substantial width to allow for two-way traffic and has a generous visibility splay to the front of the site where it joins Banbury Lane. The site is well screened from the public highway adjacent to the site as well as the Public Rights of way to the south and east of the site by mature tree and hedge planting.
- 1.4 Officers note that there is extant permission on the site for the construction of 6 new commercial units to support start-up business within a B2 or B8 use, (reference: S/2020/1472/FUL). Officers also note that there are other extant permissions across the wider business park for the development, or redevelopment, of portions of the business park for warehousing in a similar use to that which is proposed here.

### **2 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 This application seeks permission for the erection of a single large warehouse building on the site to provide a mix of B2 and B8 uses since it would be intended to service and repair agricultural machinery as well as provide a degree of storage for associated parts, equipment and material. There would also be a small sales area

with in the building but this would be subservient to the principle use of the site in a B2/B8 capacity.

- 2.2 The building would be aligned along a north-east to south-west axis, parallel to the main access road to the business park, although the access to this site would be independent of that access. The access to this site would be provided via a new gate which would open onto Banbury Lane, across the area of concrete to the front of the site. The building itself would be built into the hill on the site, with retaining walls being utilised to the south-west of the building, while visitor car parking would be provided in the southern portion of the site with HGV parking and unloading being in the northern portion of the proposed parking area.
- 2.3 The overall footprint of the building would be 956m<sup>2</sup>. The building would have a length of approximately 43.5m, a depth of 16.5m while the height to the eaves would be 6m. The overall height of the building to the ridge of the shallow pitched roof would be 7.5m. The building would be clad in Kingspan Quadcore KS1000RW panels, or similar with an Olive Green finish.

### **3 RELEVANT PLANNING HISTORY**

- 3.1 The following planning history is considered relevant to the current proposal:
- 3.2 S/1993/0056/P Erection Of Detached Building For Storage And Repair Of Agriculture And Industrial Machines. Approval
- 3.3 S/1997/0693/P Detached Building For Storage And Repair Of Agricultural Machine. Approval
- 3.4 S/2001/0826/P Retention of portable building for office use. Approved.
- 3.5 S/2001/1415/CLU Use of premises for the servicing, storage and distribution of hydraulic access platforms. Appeal Allowed (Against Refusal)
- 3.6 S/2001/0028/P Use Of Premises For The Servicing, Storage And Distribution Of Hydraulic Access Platforms (Retrospective). Withdrawn
- 3.7 S/2006/1072/P Temporary office building (retrospective). Approval
- 3.8 S/2011/0728/FUL The continued use of a porta-cabin for ancillary office and staff amenity accommodation (unit 3). Approved.
- 3.9 S/2013/1489/FUL Demolition of existing building and construction of an extension in its place. Construction of an additional building. Approved
- 3.10 S/2013/1126/FUL Demolition of existing building and construction of an extension in its place. Construction of an additional building. Refusal
- 3.11 S/2013/1489/FUL Demolition of existing building and construction of an extension in its place. Construction of an additional building. Approved
- 3.12 S/2020/1472/FUL Construction of a portal framed building to create 6 units and 18 parking bays. Approved

## 4 RELEVANT PLANNING POLICY AND GUIDANCE

### Statutory Duty

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### Development Plan

- 4.3 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

#### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 4.4 The relevant policies of the LPP1 are:
- SA – Presumption in Favour of Sustainable Development
  - S1 – Distribution of Development
  - S10 – Sustainable Development Principles
  - S11 – Low Carbon and Renewable Energy
  - E1 – Existing Employment Areas
  - C2 – New Developments
  - BN2 – Biodiversity
  - BN7 – Flood Risk
  - BN7A - Water Supply, Quality and Wastewater Infrastructure
  - BN9 – Planning For Pollution Control
  - INF2 – Contributions to Infrastructure Requirements
  - R1 – Spatial Strategy for the Rural Areas
  - R2 – Rural Economy

#### South Northamptonshire Local Plan (Part 2) (LPP2)

- 4.5 The relevant policies of the LPP2 are:
- SS1 – The Settlement Hierarchy
  - SS2 – General Development and Design Principles
  - EMP2 - Existing Commercial Sites
  - EMP3 - New Employment Development
  - NE5 - Biodiversity and Geodiversity
  - INF4 - Electric Vehicle Charging Points

## 5 RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
WNC Archaeology	No Objection	No comment
WNC Developer Contributions	No Objection	No objection, informative relating to broadband required
WNC Economic Development	Support	"Having reviewed this application solely from an Economic Growth perspective, I would support this proposal based on the following: Allows for business growth/diversification, Increases the commercial floorspace available within the area, Creates employment opportunities, Aligns with WNC's vision to support local business growth. In terms of recruitment support, we offer a free service to help employers to utilise the local labour market to fill vacancies."
WNC Environmental Protection	No Objection	No objection, conditions required relating to construction traffic, noise, air quality, land quality and lighting.  <i>Officer Comment: The Applicant is currently preparing a noise assessment to address the requirements of the Environmental Protection Team. The outcome of this report will also inform restrictions on hours of operation of the site.</i>
WNC Highways	No Objection	<i>Officers Comment: The Highways Authority originally raised no objection but considered that a transport statement should be submitted prior to determination. The Applicant provided an 11 page technical note addressing the points the Highways Authority required from a transport statement, including collision data. The Highways Authority therefore had no objection to the application. Although conditions were not recommended by the Highways Authority, officers have included appropriate conditions.</i>
WNC Lead Local Flood Authority	No Comment Received	<i>Officer Comment: The LLFA were consulted on 13/03/23 and have not responded to this consultation. Given the statutory obligation of the Council to determine this application in a timely manner, officers have formed a view</i>

		<i>on this application without a LLFA comment. Officers are satisfied that the previous planning decision for this site alongside the EA's comment means that officers are able to form a well-considered view on this application.</i>
WNC Planning Policy	No Objection	<p>"...I am aware that the application site has an extant consent for "Construction of a portal framed building to create 6 units and 18 parking bays" (S/2020/1472/FUL) for use by existing tenants of the business park. That consent is restricted by condition to B2 and B8 uses. I understand that the current proposal seeks consent for a slightly larger building for B2 and B8 use with an ancillary sales area. I understand that the current proposal seeks consent for a slightly larger building for B2 and B8 use with an ancillary sales area along with different access arrangements. Given there is an extant consent for a similar development on the site, and provided the current proposal is still considered to be an 'appropriate extension' to the existing employment area, the principle of the proposal appears to be acceptable in policy terms...."</p> <p><i>Officer Commentary: The Policy Team also provided commentary on the relevant policies.</i></p>
Anglican Water	No Objection	No comment
Environment Agency	No Objection	No objection, condition required ensuring works are in accordance with the submitted FRA.
TVP Crime Prevention Design Advisor	No Objection	<i>Officer Commentary: The Crime Prevention Design Advisor has expressed concerns about some aspects of the design and has requested that aspects of the proposed development comply with the relevant secure by design standards.</i>
Pattishall Parish Council	Object	The Parish Council has objected due to various highways-related concerns. Their full comment is available on the Council's digital file for this application.

## 6 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 6.1 There have 10 number of objections and 1 letter of support raising the following comments:
- Visual Impact
  - Highway Safety
  - Principle of Development

## **7 APPRAISAL**

### Principle of Development

- 7.1 Policy SA of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) sets out that when considering development proposals the relevant council will take a positive approach that reflects the presumption in favour of sustainable development contained in the national planning policy framework. Policies S1 and S2 deal with the distribution of development and the settlement hierarchy within the district.
- 7.2 Policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that proposals for new development will be directed towards the most sustainable locations in accordance with the District's settlement hierarchy. It also states that new development should be within the settlement boundaries of first, second, third and fourth category settlements, as defined on the proposals maps, in accordance with their scale, role and function unless otherwise indicated in the local plan.
- 7.3 Policy E1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that in order to help support a vibrant, successful and developing local economy, existing and allocated employment sites and industrial estates across west Northamptonshire will be retained for uses within use classes b1, b2, b8 and appropriate non-b employment generating uses. Furthermore, change of use to other (non-employment generating) uses will be resisted unless it can be demonstrated that the site is no longer economically viable for employment purposes in the long term, there is a clear conflict with adjoining uses, or its release would offer significant benefits to the local area. New commercial floorspace at the rural service centres of Towcester and Brackley and other smaller settlements will be of a scale that is commensurate with their function.
- 7.4 Policy EMP2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that existing employment and retail sites and land allocated for commercial uses should be retained for employment use unless the criteria set out in the policy are met. Furthermore, new dwellings (Class C3) will not be permitted within employment, retail or commercial sites except where this is in accordance with specific site proposals and policies set out in the development plan. The policy also states that on existing employment, retail or commercial sites, employment generating development including intensification will normally be permitted within the existing curtilage or through appropriate extensions subject to compliance with other policies in the plan and other material considerations.
- 7.5 Policy EMP3 of the South Northamptonshire Part 2 Local Plan 2011-2029 states new employment and commercial development will be directed to the most sustainable locations in accordance with Policy SS1: The Settlement Hierarchy. Employment generating development on suitable sites outside of the settlement confines will be considered acceptable where the proposal is allocated for employment uses or meets the other criteria set out in the policy. Proposals for change of use or new employment development will need to be accompanied by evidence that

demonstrates the current use is no longer viable or, in the case of the conversion of agricultural buildings that the buildings are redundant and the proposed uses and associated employment activities can be carried out without causing harm to residential amenity. Proposals for the relocation of whole or part of a business to another site within the district required as a direct consequence of the HS2 development will be permitted in open countryside locations where it is demonstrated that the criteria in the policy have been met.

- 7.6 Policy R2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals which sustain and enhance the rural economy by creating or safeguarding jobs and businesses will be supported where they are of an appropriate scale for their location, respect the environmental quality and character of the rural area and protect the best and most versatile agricultural land. The policy then sets out which types of developments are acceptable in this regard.
- 7.7 Paragraph 84 of the NPPF (within 'Supporting a prosperous rural economy') advises that policies and decisions should enable 'the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'.
- 7.8 Paragraph 84 also advises that planning policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, that development must be sensitive to its surroundings and must not have an unacceptable impact on local roads. It also states that previously developed land (which applies to this site), and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 7.9 Section 11 of the NPPF 'Making effective use of land' requires Councils to 'promote and support the development of under-utilised land and buildings' (Para 120(d)). Policies in general should promote an effective use of land in meeting the need for various uses, including housing and employment. There are benefits to providing employment opportunities within the district, as touched upon by the Council's Economic Development officer in their response (i.e. supporting the local economy, providing employment opportunities).
- 7.10 Officers note that there is extant permission on the site for a large warehouse building in a B2/B8 use which was divided into six units geared towards start-up businesses (S/2020/1472/FUL). While the building proposed as part of this application is larger than that for which there is extant permission, officers consider that the extant permission means that the principle of development has been established and the proposal is therefore acceptable in this regard.
- 7.11 Notwithstanding the fact that the principle of development has been established, it is noted that the application site lies within the wider Milford Business Park which is in the process of being redeveloped and expanded following the grant of permission for commercial units on sites across the wider site. To this effect, allowing an extension to the business park on this site would accord with criteria 2.a.iv of Policy EMP3 which allows for commercial development on land outside of settlement confines where it would be an extension to an existing commercial site. The proposal would therefore also accord with criteria 3 of EMP2 since the proposal would entail the intensification of an existing employment site through an appropriate extension.
- 7.12 While officers note that the site is not in a particularly sustainable location with limited accessibility via sustainable modes of transport, which would mean that the proposed



use would therefore likely exacerbate car reliance by its nature, it is considered that this does not outweigh the fact that the principle of development has been established by an extant permission in addition to compliance with Policy EMP3. Furthermore, while officers note that the Council's policies seeks to direct development more sustainable locations, it is also noted that the proposal would accord with the general aims of the Development Plan and NPPF in helping to strengthen and diversify the rural economy in the district.

- 7.13 On balance, officers consider that the development is acceptable in principle and would accord with Policies SA, SS1, E1, EMP2, EMP3 and R2.

#### Impact on Character of Area

- 7.14 Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. The policy also states that the use of design codes, masterplans or planning briefs will be considered for multi-phased developments to ensure consistency of design approach.
- 7.15 The site does not currently host any significant built form; it is well screened by mature hedging on three sides and also by the rest of the business park to the north and west. It is also noted that the site slopes towards Pattishall to the west and the proposed building would be built into this slope. Therefore the proposed building would not appear overly dominant to wider views of the site, particularly those from Pattishall, nearby public right of ways and the adjacent highway, and would appear a congruent addition to the redeveloped business park in which it is sited.
- 7.16 While not of especially high design quality, the building itself would be of a similar scale, massing and appearance to the existing buildings and buildings for which there is extant permission across the business park. Namely the proposed building would be warehouse-like in appearance, which would ensure that it would not significantly alter the character or appearance of the site. Officers consider that a more sensitive design could have led to a development that would have sat more comfortably on the site but, having regard to the extant permissions across the site and heavy screening around the site, it is considered that this would not substantiate grounds for refusal.
- 7.17 Officers consider that the overall proposed arrangement of the site would be as appropriate and would have a coherent layout that would be clearly legible.
- 7.18 Planning officers have included conditions relating to landscaping, materials as well as cycle and bin enclosures to ensure the development is of high quality.
- 7.19 Officers note that the Thames Valley Police Crime Prevention Officer has raised concerns with regard to the security of the proposed design and has requested that the building comply with the relevant design standards to limit the potential for crime and anti-social behaviour. Officers have liaised with the Applicant over these concerns' the Applicant has satisfied planning officers that they will install appropriate security measures and ensure the site operates in such a way so as to limit the opportunity for crime. Officers are therefore satisfied that the Crime Prevention Officers' comments have been adequately addressed.
- 7.20 Overall, officers are satisfied that the proposed development would be of an acceptable design and would accord with Policy SS2.

### Neighbouring Amenity

- 7.21 Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that developments must not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight daylight or outlook, unless adequate mitigation measures are proposed and secured.
- 7.22 Policy BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. This includes reducing the adverse impacts of noise
- 7.23 The site is located some distance away from the built form within the village of Pattishall (230m from its nearest point to the nearest dwelling on the eastern edge), and there is no residential accommodation within the site (ancillary or otherwise). The proposal would therefore not give rise to a loss of daylight to any residential units nor give rise to a loss of privacy or unacceptable overbearing.
- 7.24 The proposed development's somewhat isolated location makes the site ideal for B2 and B8 units, which are both generally considered incompatible with built-up or urban/residential areas due to the potential they bring for noise disruption (and dust etc, depending on the nature of the activities).
- 7.25 The development will not significantly change the potential for the site to generate noise, given its location in a busy business park. However, officers have requested a noise study to ensure that the proposal would not give rise to a level of noise that would give rise to disturbance to nearby residential uses, given the proximity of Pattishall. The Applicant is currently preparing this to avoid needing to include this as a pre-commencement condition; however the outcome of that study would inform other conditions, such as the permitted hours of operation of the site. Officers expect to be able to provide a written update prior to committee as to the outcome of the noise assessment and the resulting proposed conditions.
- 7.26 The proposal is therefore acceptable in terms of neighbouring amenity and Policy SS2 in this regard.

### Highways

- 7.27 Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states planning permission will be approved where developments include a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles). Developments must also take into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys.
- 7.28 Policy INF4 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that where business, retail, commercial or leisure developments provide 10 or more parking bays, for every 10 bays or part thereof one parking bay marked out for use by electric vehicles only together with DC fast charging equipment or equivalent charging equipment providing no less standard of efficiency, will be required.

- 7.29 Paragraph 110 of the NPPF states that planning decisions should ensure that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and that d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.30 The Highways Authority raised no object to the proposed development. In terms of the access, they were satisfied that the existing access would be sufficient and would not give rise to severe highways impacts. However they requested confirmation that the parking spaces would have 6m reverse space to ensure they can exit the spaces safely; officers have secured this by condition. Furthermore, the Highways Authority also requested a transport statement to ensure that the development would not give rise to unacceptable impacts on the surrounding highway network and also to confirm the collision data for Banbury Lane. This was submitted and demonstrated that the proposed development would not give rise to unacceptable highways impacts and that only two collisions have been recorded on Banbury Lane which suggests the proposal would not have an unacceptable impact on highways safety. Officers have carefully considered this issue, given the comments made by the public on this matter, but consider that the development would not give rise to unacceptable highways impacts and there is therefore no reason to withhold planning permission on these grounds.
- 7.31 Officers have also secured EV charging points via planning conditions.
- 7.32 Subject to conditions, officers therefore consider that the proposal is acceptable in terms of Highways and Policies SS2 and INF4.

#### Flooding and Drainage

- 7.33 Policy BN7A of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states development should use sustainable drainage systems, wherever practicable, to improve water quality, reduce flood risk and provide environmental and adaptation benefits.
- 7.34 The Old Mill Stream which runs perpendicular to the site a short distance to the east. This is not a main river although the area around it falls within Flood Zone 3. The majority of the proposed building works falls within flood zone 1, with a small portion of the proposed building and parts of the proposed hard being within Flood Zones 2 and 3. Given the risk of surface water flooding and part of the site being within flood zones 2 and 3, a Flood Risk Assessment (FRA) has been provided as required by section 14 of the NPPF.
- 7.35 The FRA concluded that the site is not at risk from any other sources of flooding. The proposed building would have a finished floor level 2m above the level of the stream. The FRA has been reviewed by the Environment Agency and they have confirmed that they are satisfied with the details provided in the FRA and have no further requirements, other than works taking place in accordance with the recommendations of the FRA. On balance, the proposal is not considered to have any adverse risk of flooding and is therefore considered acceptable.

- 7.36 Given that there is extant permission for a similar building on the site, officers have not required a full sequential test in this instance.
- 7.37 Officers have required a full drainage strategy to be provided via condition.
- 7.38 Subject to conditions, the proposal is acceptable in terms of flooding and drainage and therefore Policies BN7 and BN7a.

#### Ecology

- 7.39 Policy NE5 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that development proposals should aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will be expected to mitigate harm and incorporate measures to enhance biodiversity within or around a development site, and to contribute to the consolidation and development of local ecological networks, including beyond the district's boundary. Measures should be appropriate and compatible with existing biodiversity, ecosystems and designated wildlife sites. The policy states that the council will seek to ensure new development maintains, enhances, and helps to create or extend networks of natural habitats. Proposals for improved access, recreation and tourism within such networks will be supported where they are compatible with biodiversity aims. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 7.40 The site is a modest area within a business park, currently used for the storing of building materials. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and their existence on the site is unlikely. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species.
- 7.41 The proposal is therefore acceptable in terms of ecology and Policy NE5.

#### Land Quality

- 7.42 Policy BN9 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals for new development which are likely to cause pollution or likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities. This includes ensuring the remediation of contaminated land so as not to pose a risk to health and the environment.
- 7.43 It is noted that environmental health officers sought a condition relating to land quality. Notwithstanding concerns from planning officers that this would likely not be necessary given that this site is not previously hosted built form, officers note that the extant permission for a very similar development on the site did not require such a condition. Turning to paragraph 57 of the NPPF, officers are not satisfied that such a condition would be reasonable and would not be necessary to make the development acceptable in planning terms. Officers have therefore not included such a condition in this instance.

7.44 The proposal is therefore acceptable in terms of land quality and Policy BN9.

## **8 FINANCIAL CONSIDERATIONS**

8.1 This development is not liable for CIL.

## **9 PLANNING BALANCE AND CONCLUSION**

9.1 Officer are satisfied that the scheme accords with the relevant national and local policies and guidance and should be approved.

9.2 Officers recommend that the committee grant permission subject to conditions as set out below with delegated authority to the Assistant Director for Planning to approve any amendments to those conditions as deemed necessary.

9.3 A full list of conditions is provided below:

CONDITIONS:-

### **TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

#### **Time Limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Approved Plans**

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

Location Plan (reference: R00)

Proposed Elevations Sections And Materials (reference: 22031)

Proposed Floor Plans (reference: 2223-01b)

Proposed Elevations (reference: 2223-02b)

Proposed Section A A (reference: 2223 03)

Proposed Section B B (reference: 2223 04)

All received 01/03/23

Reason: To clarify the permission and for the avoidance of doubt.

**CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE**

### **EV Charging**

3. Provision of ducting to allow for installation of EV charging infrastructure will be required, in order to make resident parking places EV ready for future demand. The details and location of such provision should take into consideration the availability of electrical supply and should therefore be designed making reference to information held by the local distribution network operator. Subsequently, these details and designs should be submitted to and approved in writing by the Local Planning Authority prior to the construction works advancing beyond slab level. Such provisions shall be formed, and laid out in accordance with these details before usage of the parking spaces commences and shall remain in place thereafter.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

### **Landscape Plan Required**

4. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Bin Storage**

5. Prior to construction works advancing beyond slab level, details of the provision for the storage and collection of refuse and materials for recycling shall be submitted to the Local Planning Authority for approval. The scheme shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: To ensure waste is properly managed, in accordance with Policy SS2 of the South Northamptonshire Local Plan.

**CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION**

## **External Lighting**

6. Prior to first occupation of the development, a scheme showing the provisions to be made for external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers - Secured by Design publication "Lighting Against Crime - A Guide for Crime Reduction Professionals", ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, page 25 of the guide, relating to Environmental Zone E2 Low district brightness areas-Rural, small village or relatively dark urban locations. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proposal does not give rise to unacceptable light pollution and harm to neighbouring amenity, in accordance with Policy SS2 of the South Northamptonshire Local Plan.

## **Cycle Storage**

7. Details of cycle, shall be submitted and approved by the Local Planning Authority prior to first occupations. The approved stores shall be in place prior to the first occupation of the approved development and thereafter retained for these purposes.

Reason: To ensure the proposal is of acceptable design and provide adequate bin and cycle storage in accordance with Policies SS2 and SPD2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

## **Flood Risk Assessment**

8. The development shall be carried out in accordance with the submitted flood risk assessment (ref: RLC/1147/FRA01, by Roy Lobley Consulting, dated 06 January 2023) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 103.03m above Ordnance Datum (AOD).
- Proposed development to be in Flood Zone 1 as per submitted plans.
- There shall be no raising of ground levels of the area located outside of the proposed buildings within Flood Zone 3 as shown on the Flood Map for Planning.
- Fencing located within Flood Zone 3 would be restricted to post and wire fencing.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to ensure that there are no detrimental impacts to flood storage or flood flow routes.

## **CEMP**

9. Development shall only be carried out in accordance with the submitted Construction Management Plan (dated 17th May 2023) and the associated Site Plan Showing Vehicle Turning Area & Parking For Visitors & Operatives.

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

### **Access, Turning, Loading and Unloading**

10. The proposed access and parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first use of the development hereby permitted. The access, parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason : In the interests of highway safety, to ensure the provision of adequate car parking and turning/loading/unloading to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

### **Car Parking – Reversing Space**

11. Notwithstanding the approved plans, the approved car parking spaces shall be provided in such a way to ensure that each has 6m clearance for reversing out of the space.

Reason: In the interest of highways safety and to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

### **No External Lighting**

12. No external lights/floodlights shall be erected on the land or building without the prior express planning permission of the Local Planning Authority.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework.

### **Restrictions of Use**

13. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order), the use of the units hereby permitted shall be restricted to Use Classes B2 or B8 and used for no other purpose whatsoever.

Reason: In the interests of the safety and convenience of the highway and in accordance with policy SS2 of the South Northamptonshire Local Plan Part 2.



### **No Storage of Materials Outside**

14. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the building hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan.

### **Landscaping Maintenance**

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) and shall be maintained for a period of 10 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Hours of Operation**

16. The operational use of the premises shall be restricted to the following times:-

Non-Harvest Months (1st October to 14th July inclusive)

Monday:

Saturdays:

Sundays, Bank and Public Holidays :

Harvest Months (15th July to 30th September inclusive) :

\*HOURS OF OPERATION TO BE CONFIRMED VIA WRITTEN UPDATE

Reason: To protect the amenities of nearby residents and to comply with Policy SS2 of the South Northamptonshire Local Plan.

### **External Materials**

17. The materials to be used for the external walls, roof, doors, shutters and windows of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building within the site, this material specifically being 'Box Profile Steel Sheet Cladding finished in British Standard 12B27 Olive Green, unless otherwise approved in writing by the Local Planning Authority prior to the commencement of those works.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy SS2 of the South Northamptonshire Local Plan.

## Noise

18. A condition will be required requiring the operation of the site to be in accordance with any approved noise assessment

\*DETAILS TO BE CONFIRMED VIA COMMITTEE WRITTEN UPDATE\*

INFORMATIVES:-

## Crime Prevention Officer

1. The Applicant's attention is drawn to the comments from the Crime Prevention Officer

## Digital Infrastructure

2. The West Northamptonshire Joint Core Strategy Local Plan (Part 1) (December 2014) policy C1, Changing Behaviour and Achieving Modal Shift, states that new development should be accessed by fibre to the premise (FTTP) technology. This supports the government's Gigabit programme and local targets to see 80% full fibre and 90% gigabit coverage by the end of 2028. Developers should approach telecoms providers at the earliest opportunity to agree gigabit-ready infrastructure and connectivity plans. The network capability delivered by full fibre technology supports the fastest broadband speeds available, is considered future proof, and will bring a multitude of opportunities, savings and benefits. It may also add value to the development and is a major selling point to attract potential homebuyers and occupiers, with many people now regarding fast broadband as one of the most important considerations.

Efficiencies can be secured if ducting works and other network infrastructure is planned early and carried out in co-operation with the installations of standard util works. Any works carried out should be compliant with the Manual of Contract Documents for Highway Works- specifically Volume 1 Specification Series 500

Drainage and Ducts, and Volume 3 Highway Construction Details Section 1 - I Seri Underground Cable Ducts. These documents can be found at:  
<http://www.standardsforhighways.co.uk/ha/standards/mchw/index.htm>

Streetworks UK Guidelines on the Positioning and Colour Coding of Underground Utilities' Apparatus can be found here National Joint Utilities Group ([streetworks.org.uk](http://streetworks.org.uk)). Proposals should also be compliant with Part R, Schedule 1 of the Building Regulations 2010 (soon to be amended to strengthen requirements for gigabit connectivity to new dwellings) and the Approved Document R.

Some telecoms network providers have dedicated online portals providing advice for developers, including:

Openreach <https://www.ournetwork.openreach.co.uk/property-development.aspx>

Virgin Media <http://www.virginmedia.com/lightning/network-expansion/property-developers>

OFNL (GTC) <http://www.ofnl.co.uk/developers>

CityFibre <http://cityfibre.com/property-developers>

Details of other fibre network providers operating locally, including Gigaclear Networks and Glide, can be found here:

<http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx>.

For help and advice on broadband connectivity in West Northamptonshire email the Superfast Northamptonshire team at [bigidea.ncc@northnorthants.gov.uk](mailto:bigidea.ncc@northnorthants.gov.uk)

Please note that the guidance contained above may be subject to change as a result of changes to planning policy and guidance at national and/or local level as applicable.

Amendments are expected to be made to the Building Regulations 2010 in support of gigabit connectivity and therefore continued consultation with the Development Management team is recommended to ensure that the introduction of any such amendments can be taken into consideration at each stage of the planning process.

### **Protected Species**

3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. If any vegetation or trees are to be removed, it should first be ensured that they do not contain nesting birds or roosting bats. For further information or to obtain approval contact Natural England.

### **Conditions Discharge**

4. The discharge of the following may require a consent to discharge from the Environment Agency. If you need any information on this please contact the Environment Agency National Customer Contact Centre on 08708 506506.
  - the discharge of sewage or trade effluent to surface water such as streams, rivers, canals or groundwater
  - the discharge of surface water that could be contaminated to a watercourse or land
  - the discharge of sewage from a small sewage treatment plant to an inland surface watercourse

### **Anglian Water**

5. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian

Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

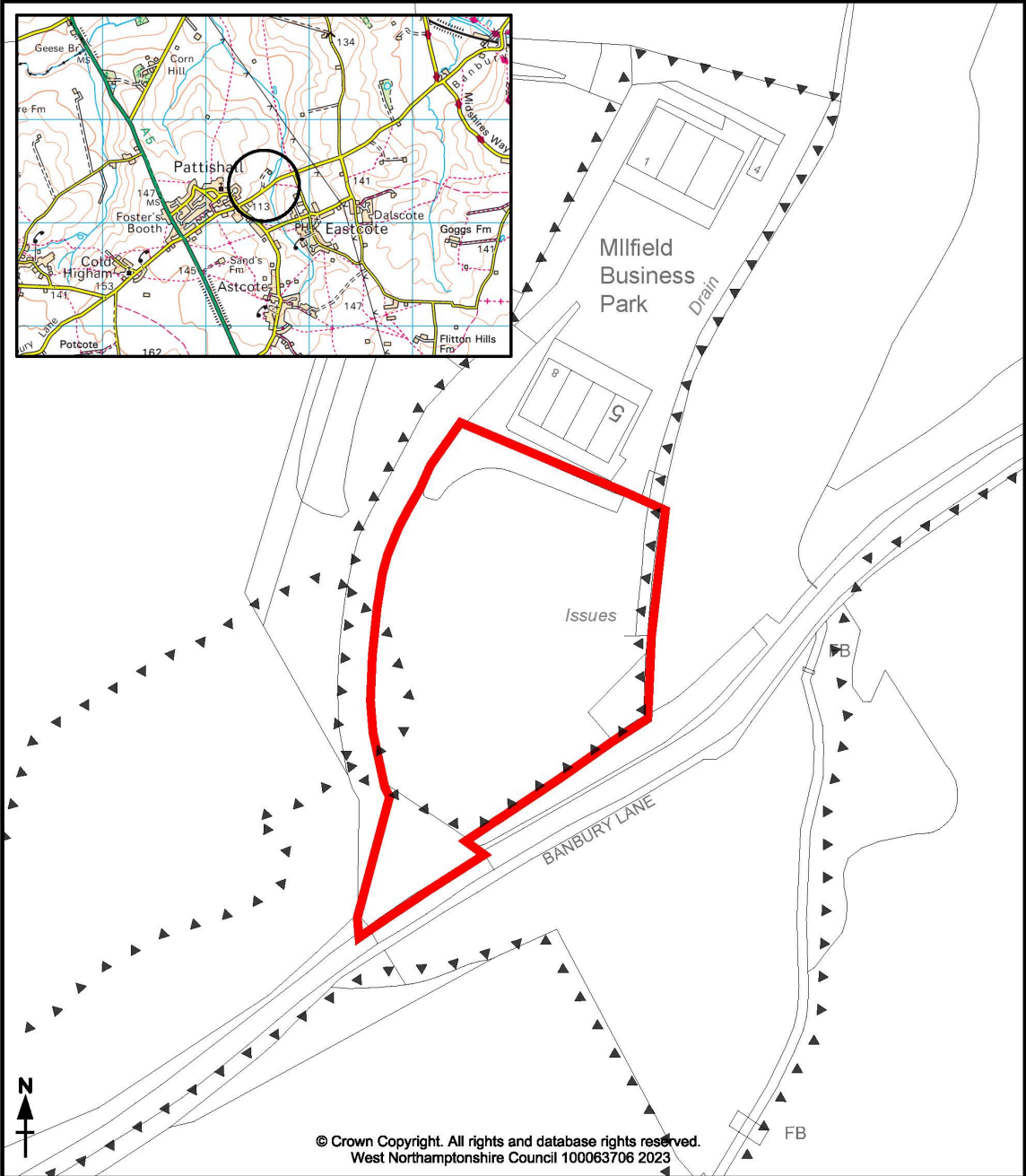
Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water.

Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

**Application Number:** WNS/2023/0363/MAF

**Parish:** Pattishall CP



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West Northamptonshire Council 100063706 2023

Town/Village: Pattishall

Site Area: 0.5318 Ha

Grid Location: SP6756154364

Map Scale: 1:1250

 Site

 Site of Archaeological Asset