

<b>Case Officer:</b>	Peter Gittins		
<b>Applicant:</b>	Clayborne Developments		
<b>Proposal:</b>	New Commercial Unit with Field Access		
<b>Ward:</b>	Kingthorn		
<b>Councillors:</b>	Cllr Charles Manners		
<b>Reason for Referral:</b>	Called in by Councillor Charles Manners for the following reasons: it is proposed to separate the previously approved light industrial unit from the Selby Barns site. This is not within the spirit of the previous consent, which was only approved based on the expansion of the existing business; there are also highway safety concerns as a result of the proposed access, inadequate parking, and lack of a traffic survey. Objections are raised related to additional signage and particularly illuminated signage.		
<b>Expiry Date:</b>	14 August 2020	<b>Committee Date:</b>	6 August 2020

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

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

This is a revised application, which seeks a new, separate access for an approved industrial building to create a standalone unit, which would be separate from the Selby Barns Business Park. There are also minor alterations to the external appearance and openings.

#### **Consultations**

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

- NCC Highways, SNC Economic Growth, Crime Prevention Design Advisor, Building Control, Natural England, Environment Agency.

Eight letters of objection have been received and no letters of support have been received.

#### **Planning Policy and Constraints**

Whilst this site was formally a paddock in the open countryside, it benefits from an extant planning permission granted in 2016 for an industrial building within Planning Use Class B1. It is considered that the main issue for consideration is the proposed new access and whether it creates a danger to highway safety, given that a building of the same scale and basic form was approved in 2016.

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.

#### **Conclusion**

The key issues arising from the application details are:

- Principle of development

- Highway safety, access and parking
- Design, and impact on the character of the area
- Ecology

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 close to the small hamlet of Littleworth and is immediately adjacent to Selby Barns, which is a small scale, commercial business park. The site benefits from a 2016 planning permission for a two storey, light, industrial building and separate agricultural field access, Council reference S/2016/1992/FUL. This approval is in the process of being implemented and the approved access to the new unit is through the adjoining business park, utilising the park's access to the highway. The topography of the site and adjoining land is relatively flat.

### **2. CONSTRAINTS**

- 2.1. There are public footpaths distanced to the west of the site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 This is a revised application, which seeks to change the point of access for the new industrial unit, utilising the approved field access, whilst widening this to 7.3 metres to meet the Highways Authority's standards. It is also proposed to stop up the access between this site and the Selby Barns Business Park to create a standalone, industrial unit. There are also minor alterations to the external appearance and openings of the approved building.

### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
S/2016/1992/FUL	New (two-story) commercial unit and creation of field access.	Approved 1/11/2016

### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Pre.App Ref.</u>	<u>Proposal</u>
P/2020/0008/PRM	Proposed vehicular access to new commercial unit

- 5.2 The pre application covered a number of points:
- 5.3 Whether the work can lawfully commence on the previously approved 2016 application, it was agreed that it could because the development had commenced before the expiry of three years from the decision date and relevant pre commencement conditions had been discharged.
- 5.4 The acceptability of the proposal to alter the access and parking layout was supported subject to highways comments.
- 5.5 The applicant was advised that a full planning application was required rather than a variation of condition because the application boundary would need to be altered slightly to accommodate the revised access arrangements.

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site. The final date for comments was 20 July 2020 although comments received after this date and before finalising this report have also been taken into account.
- 6.2. There have been 8 letters from local residents in objection to this application, in summary:

### *Highway related issues*

- The proposal will lead to increased traffic and there is a lack of parking related to the number of workstations proposed within the building.
- The applicant should give an undertaking that there will be no parking on highway verges
- There are objections to an additional access point on highways safety grounds
- A full traffic survey should be required.
- There is a lack of public transport serving the site and employees will most likely travel to work by car.
- There is a substandard carriageway adjacent to the site with no pavements or lighting leading to pedestrian/traffic conflict.
- The applicant should fund public footpath improvements in the area.

### *Principle of the development*

- The 2016 approval for the building was only justified based on the expansion of D J Hutchins Ltd. If the current application is approved, then the building will not serve this original purpose.
- The original planning approval failed to impose conditions to control the end user.

### *Other concerns*

- There are concerns re lighting and signage given the rural nature of the area.
- Health and safety concerns related to the internal layout and current pandemic restrictions.
- A 10 ft hedge should be planted abutting the Caswell Road to screen the development.
- The amendments to the openings proposed as part for the current application have already been implemented.
- There is a vacant unit at the Selby Barns Business Park and the new unit is not needed.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

7.1. 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, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. Green Norton Parish Council: No objections, but concerns about parking and highway safety.

### CONSULTEES

7.3. NCC HIGHWAYS: *'The Local Highway Authority (LHA) has reviewed the amended drawing 4463/01 P2 and is satisfied that the required 7.3m width for a commercial access has been achieved. However, whilst the LHA does not now object to the proposal they are not generally in favour of the mixed use of an access.'* (It should be noted that the LHA revised its comments on the 16/07/2020 following further submission from the applicant, and following discussions with the case officer about the site history and the effect of the unrestricted 2016 approval for a two-storey light industrial building on the site. The LHA no longer suggest that a Transport Statement is undertaken by the applicant).

7.4. SNC ECONOMIC GROWTH: no objection

7.5. CRIME PREVENTION DESIGN ADVISOR: states that the building is fitted with a security alarm and fitted with doors and windows to an appropriate security standard.

7.6. BUILDING CONTROL: no objections subject to suitable construction standards.

7.7. NATURAL ENGLAND: no comments.

7.8. ENVIRONMENT AGENCY: no comments.

7.9. *The comments received can be viewed in full on the Council's website, via the online Planning Register.*

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP)

The South Northamptonshire Part 2 Local Plan was adopted on the 22 July 2020 and the following Policies are considered relevant:

- Policy SS2: General Development Principles
- Policy EMP2: Existing Commercial Sites

8.2. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Human Rights Act 1998 (“HRA”)

### 8.3. Council Corporate Priorities

8.4 South Northamptonshire Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

8.5 The three corporate priorities are to ensure the District is “Protected, Green & Clean”, is a place which supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) delivery innovative and effective housing schemes; and (9) deliver affordable housing.

8.6 The remaining key actions may also be of significance to the determination of planning applications and appeals on a case by case basis.

8.7 The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## 9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Highway safety, access and parking
- Design, and impact on the character of the area
- Ecology

### Principle of Development

9.2. Policy EMP2 (3) of the South Northamptonshire Part 2 Local Plan states that on existing employment, retail or commercial sites, employment generating development including intensification will normally be permitted.

9.3. Importantly, the site benefits from an approval for a two storey, light, industrial building of the same footprint and scale as the current proposal. In addition, a separate field access was approved as part of this application, Council reference S/2016/1992/FUL.

9.4. Whilst this 2016 application was granted in the open countryside and on the basis of the expansion of an existing business at Selby Barns Business Park (immediately to the north of the site) the approval was not subject to a planning condition that restricted its use to any specific end user and there was also no separate planning legal agreement to this effect. The 2016 approval was implemented (started) within three years of date of approval (1/11/2016) and by 1/11/2019 in accordance with the standard time limiting condition of that approval.

- 9.5. The current application proposes minor changes to the appearance and openings of the building. These alterations are not considered to create any additional impacts and, although they have already been partly implemented, are not considered to materially affect the validity of the 2016 approval.
- 9.6. Whilst the proposed form of the two- storey building remains essentially the same, it is proposed to change the internal layout with work areas on the first floor instead of storage space. It should be noted that internal changes to the way a building is used do not require planning permission, and that under the 2016 permission, these internal changes could have taken place. This general fallback position is an important, material consideration in the determination of this application.
- 9.7. Therefore, it is considered that the proposal accords with Policy EMP2 (3) in that this is an existing employment site, by virtue of the 2016, permission where development, including intensification, will normally be permitted.

#### Highway safety, access and parking

- 9.8 Policy SS2 (j): General Development Principles of the South Northamptonshire Part 2 Local Plan states that planning permission will be granted for a development where it possesses a safe and satisfactory means of access for pedestrians, cyclists and vehicles.
- 9.9 The 2016 approval also related to the construction of a field access to be used temporarily whilst construction of the new building was in progress and then to be separated from the industrial site with a screening hedge, the access to the new unit to be taken through the adjoining business park, utilising the park's access to the highway. This access has also been constructed. As part of the current application, it was proposed to retain this access for the new building and to create a shared field access/industrial access, whilst stopping up the route through to the business park with a hedge. However, the Local highways Authority (LHA) requested that this access needed to be widened to 7.3 metres to accommodate agricultural traffic and industrial traffic to prevent vehicles needing to wait on the highway should conflict arise. Amended plans have now been submitted to alter the access width and the LHA have withdrawn their objection to the scheme, whilst maintaining that they would not generally be in favour of a shared access. However, Government Policy at Class Q, Changes of Use, of the Use Classes Order regularly gives permission for such shared arrangements and it is the case officer's opinion that a refusal on is basis could not be sustained.
- 9.10 It is considered that the number of vehicle trips to the site and parking requirement will not be materially different from that which could take place under the 2016 approval. As also referred to at paragraphs 9.4 and 9.6 above, this is because the approved use was not restricted by the 2016 approval and because internal changes to the way a building is used do not require planning. Therefore, no additional traffic surveys are considered necessary and it is noted that a full traffic survey is no longer requested by the LHA as part of their revised comments. Again, the fallback position is an important material consideration in the determination of this application.
- 9.11 In repose to resident's comments related to local highway infrastructure improvements that might be secured by a planning agreement, Paragraph 56 of the NPPF states that: 'planning obligations must only be sought where they meet all of the following tests (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development planning. It is not considered that such an obligation would be appropriate because this application is considered to be

acceptable in planning terms without such improvements, given the material fall back position, and is not considered reasonable in scale and kind thus failing tests (a) and (c) above.

- 9.12 On balance it is considered that the proposed, access, highway and parking arrangements are acceptable and accord with Policy SS2 (j): General Development Principles of the South Northamptonshire Part 2 Local Plan.

#### Design, and impact on the character of the area

- 9.13 Policy SS2, General Development Principles of the South Northamptonshire Part 2 Local Plan also states that planning permission will be granted where at point (c) the development uses a design-led approach to demonstrate compatibility and integration with its surroundings in terms of type, scale, siting design and materials; (e) it incorporates suitable landscape treatment as an integral part of the plan; and (f) incorporates sensitive lighting schemes that respects the surrounding area and reduces harmful impacts on wildlife and neighbours.
- 9.14 The roof and top half of walling of the building comprises profiled sheet metal (standing seam pattern) and is polyester powder coated grey/green to match neighbouring units. The bottom half of the walling is tantalised, timber cladding (vent board pattern) treated, natural colour and to match neighbouring units. The windows comprise standard softwood, double glazed units and the main entrance doors are also softwood, double glazed units with an entrance screen and manual, single, outward opening door. Doors on the south west elevation are powder coated steel and coloured green to match metal sheet cladding.
- 9.15 The design of the building is similar to that approved in 2016 although the change in the balance of the cladding to the walls is considered to improve its appearance. There are also changes to the number of openings, most noticeably the large steel roller shutter door in the south west elevation has been replaced with a much smaller door.
- 9.16 It is proposed to plant a hedge and trees to the south east and south west boundaries to afford some screening to the development and there are existing hedging and trees adjoining Caswell Road. No scheme of lighting is proposed as part of the application, but this can be controlled effectively by planning condition. In addition, a condition related to no outside working is considered appropriate to limit noise.
- 9.17 The proposed building has the same proposed footprint, and dimensions as approved in 2016, is of a similar design, and overall is considered to accord with Policy SS2 of the South Northamptonshire Part 2 Local Plan.
- 9.18 It should be noted that permission can't be granted for the illuminated sign shown on the proposed south east elevation as part of the current application. This will need to be considered as part of a separate advertisement application as its display is controlled by different regulations, namely the Advertisement Regulations 2007. The applicant is aware of this and has noted the same on the proposed plans.

#### Ecology Impact

- 9.19 There are a number of trees close by and in the boundary of the site which would not be affected by proposals and there are no buildings to be removed due to the proposed development.

- 9.20 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 any species present are unlikely to be adversely affected by the proposed development. 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 protect species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.

#### HUMAN RIGHTS AND EQUALITIES

- 9.21 Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.
- 9.22 There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998 regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

#### **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 This is not new housing or retail development and is therefore not CIL liable.

#### **11. PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report. There are no other material considerations that dictate otherwise, and so in accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

#### **12. RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

##### **Approved Plans**

1. 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: Site & block plan 4463/01 Rev P2, dated April 2020; Floor plans 4463/02 Rev P1, dated April 2020; Elevation plans 4463/03 Rev P1, dated April 2020.

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

##### **Landscaping**

2. All planting comprised in the approved details of landscaping shown on the



site & block plan reference 4463/01 Rev 2, dated April 2020, shall be carried out in the first planting seasons following the occupation of the building(s) and shall be maintained for a period of 5 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 Policy SS2 General Development Principles (e) of the South Northamptonshire, Part 2, Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Hedge Retention**

3. The existing hedge along the boundary with Caswell Road shall be retained at a minimum height of not less than three metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason : To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy SS2 General Development Principles (e) of the South Northamptonshire, Part 2, Local Plan.

### **Construction Method Statement**

4. The Construction Method Statement approved by the Council on the 20.12.2018, application reference S/2018/2477/COND, shall be adhered to throughout the construction period. For the avoidance of doubt the methods to be adopted as part of these details also include: A jet wash station made available for washing the wheels of construction traffic during the construction phase; control of dust and emissions by water spray; and the provision of recycling bins and skips for the recycling and disposal of waste resulting from construction.

Reason : To ensure the environment is protected during construction in accordance with the Policy SS2 General Development Principles (g) of the South Northamptonshire, Part 2, Local Plan Development Plan and Government guidance contained within the National Planning Policy Framework.

### **Restriction to B1 Use**

5. The premises shall be used only for purposes falling within Class B1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no

other purpose(s) whatsoever.

Reason : To safeguard the visual amenities of the area and protect the amenities of nearby residents in accordance with Policy SS2 General Development Principles (g) of the South Northamptonshire, Part 2, Local Plan.

### **Removal of Permitted Development Rights**

6. Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) the approved building shall not be extended without the prior planning permission of the Local Planning Authority.

Reason : To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision and servicing on the site in accordance with Policy SS2 General Development Principles (g) of the South Northamptonshire, Part 2, Local Plan.

### **No Outside Storage/Use**

7. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the building 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 General Development Principles (a), (b) & (g) of the South Northamptonshire, Part 2, Local Plan.

8. No activity connected with the use hereby permitted except loading/unloading shall be carried out other than within the building unless otherwise previously approved in writing by the Local Planning Authority.

Reason : In order to safeguard the visual amenities of the area in accordance with Policy SS2 General Development Principles (a), (b) & (g) of the South Northamptonshire, Part 2, Local Plan.

### **Hours of Operation**

9. The operational use of the premises shall be restricted to the following times:-  
Monday - Friday : 7.00 a.m. to 6.00 p.m.  
Saturdays : 8.00 a.m. to 12.30 p.m.  
Sundays, Bank and Public Holidays : No time.

Reason : To protect the amenities of nearby residents and to comply with Policy SS2 General Development Principles (g) of the South Northamptonshire, Part 2, Local Plan.

### **Provision of parking and turning**

10. The proposed access and parking, drainage culvert, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first occupation 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 off-street car parking, drainage, turning, loading/unloading to comply with Policy SS2 General Development Principles of the South Northamptonshire, Part 2, Local Plan. and Government guidance in Section 12 of the National Planning Policy Framework.

#### CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL

##### **External Lighting**

11. Details of any external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby approved. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : In the interests of visual amenity and highway safety and to comply with Policy SS2 General Development Principles (f) of the South Northamptonshire, Part 2, Local Plan and Government advice in The National Planning Policy Framework.