

SOUTH NORTHAMPTONSHIRE COUNCIL – DELEGATED REPORT

Application for Planning Permission

Application No.	S/2020/0946/FUL	Case Officer:	Samuel Dix
Statutory Expiry Date:	3 August 2020	C o n s u l t a t i o n Expiry Date:	Consults date: 10 July 2020 Re-consults date:
Site:	Mount Mill Farm Office Mount Mill Farm Stratford Road Wicken MK19 6DG		
Proposal:	Change of use from agricultural to flexible commercial B1/B2/B8 use (retrospective).		

RECOMMENDATION

Approve, subject to the conditions and reasons set out on the attached decision notice

APPLICATION SITE

The application site comprises a building of typical agricultural form that is approximately 14m by 28m. The building is the northernmost structure in a cluster of buildings in a range of agricultural and commercial uses. The wider Mount Mill Farm complex has been in use as a small office/business park for at least 20 years. It benefits from a dedicated industrial standard access from the A422, which is located some 700m to the west. The nearest dwellings, other than Mount Mill Farmhouse itself, are located a similar distance across fields to the north-west.

CONSTRAINTS

- Within 2km of 6no. local wildlife sites.

PROPOSAL

The proposals comprise the retrospective change-of-use of the building to flexible commercial uses. The building has been subdivided internally and put partially to a B2 general industrial use without the benefit of planning permission. The application has therefore been made to regularise the commercial use of the building following investigation by the Council's enforcement team and prior to the occupation of the remaining units within the building.

RELEVANT PLANNING HISTORY

- S/2020/0752/PA - Determination as to whether prior approval is required (under Class R of Part 3 of the above Order) for the change of use of (an) agricultural building(s) to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) in respect of: the transport and highways impacts of the development; noise impacts of the development, contamination risks on the site and flooding risks on the site. Withdrawn.
- S/2018/2222/LDP Certificate of lawfulness for proposed development comprising of concrete over hardstanding areas – Approval.
- S/2018/2053/AGD Determination as to whether prior approval is required

(under Class A of Part 6 of the above Order) for the erection of an agricultural building in respect of: the siting, design and external appearance of the building. Prior approval not required.

- S/2005/1535/P - Continued use of Unit C for food preparation and distribution.
(Retrospective) - Approval
- S/2005/0796/P - Two storey extension - Withdrawn
- S/2002/0001/P - Conversion of barns to offices - Approval
- S/2000/0620/P - Single storey extension to existing dwelling - Approval
- S/1998/0592/P Change of use of one agricultural building to one dwelling and two agricultural buildings to offices. Approved.
- S/1999/0887/P - Change of use of part of existing building from agricultural use to offices - Approval
- S/1998/0992/P - Change of use of agricultural barn to dwelling (alternative scheme). Approved,
- S/1992/0301/P Erection of two agricultural buildings. Approved.
- S/1991/0997/P Erection of two store extension at rear and single storey link to existing outbuilding. Approved.
- S/1991/0413/P Change of use and part rebuilding of redundant agricultural building to a single dwelling. Approved.

PRE-APPLICATION ADVICE

No formal pre-application advice although the applicant was advised to regularise the change of use via a full planning application by both enforcement officers and in considering the withdrawn request for Class R prior approval.

KEY ISSUES

- Principle

RELEVANT PLANNING POLICIES

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY (JCS): Policies R2, S8, E1

SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP): SS2, EMP2, EMP3

Material Considerations

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

PLANNING PRACTICE GUIDANCE (PPG)

COUNCIL CORPORATE PRIORITIES: 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.

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.

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

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.

CONSULTATION RESPONSES

WICKEN PARISH COUNCIL: No objection

NCC HIGHWAYS: No objection

ECONOMIC DEVELOPMENT: No objection

HEALTH & ENVIRONMENTAL PROTECTION: No objection

NORTHANTS POLICE: Northants Police has no objection to the retrospective application for commercial units on this site. There are adequate risk commensurate physical crime prevention measures in place to reduce opportunities for crimes such as burglary and the units are robustly constructed. The applicant has been advised about the additional benefits of providing a loud audible alarm and a CCTV system capable of being monitored on site via a smart phone app.

REPRESENTATIONS

None.

APPRAISAL

Principle of Development:

As no new physical works are proposed, the acceptability in principle of the development rests upon the nature of uses proposed and whether they are appropriate in this location.

It is understood that that the building was partially let for industrial purposes on the incorrect assumption that this would be permitted development. A subsequent request for Class R prior approval was then withdrawn following advice to the applicant that the Local Authority could not give its prior approval retrospectively.

Furthermore, Class R does not cover general industrial (B2 use class) purposes. As approximately two thirds of the building remains to be let, the applicant has applied for a flexible commercial use to cover the eventuality of any B-class user occupying the building.

It is accepted that the application site forms part of a wider complex that is effectively a rural business park, although elements of a working farm remain integrated. Therefore in principle the proposed change of use will not materially alter the present circumstances of the wider site. The intensification of existing commercial premises is expressly supported by Policy EMP2 of the Part 2 Local Plan, with Policy EMP3 also specifically addressing employment sites in open countryside whereby conversions are acceptable provided it does not result in a requirement for a new building due to displaced uses. It is understood that whilst being in agricultural use until recently, the building in question was underused for this purpose. There is no evidence that the development will result in the need for a new building and as such officers are satisfied that the relevant criteria of Policy EMP3 have been met.

For the same reasons the application is consistent with Joint Core Strategy Policies S8, E1, and R2, which support the development of job-generating proposals and the rural economy, which the development will directly contribute to thus strongly supporting the economic facet of sustainable development.

There are no technical constraints to the development, which will be served by an industrial standard access from the A422 and benefits from ample curtilage for parking and loading regardless of what particular B-class use (or combination thereof) operates out of the building. It is considered that a flexible permission covering all three B-class uses is appropriate and there is no need to exercise any particular control over this, particularly as permitted development rights would have allowed a high degree of flexibility were the proposals not retrospective. Nevertheless, in the interests of clarity and to retain a degree of control over the future use of the building, a condition will be attached confirming only B-class uses shall operate within the building.

As the wider Mount Mill Farm complex is not restricted in respect of opening hours or other matters relating to potential disturbance, it is also considered unreasonable to attach new conditions to this effect although as the building is located on the edge of the of the complex an informative concerning outdoor storage will be attached in order to ensure that the character of the countryside is given consideration should outdoor storage be sought in the future.

The only dwelling within proximity is Mount Mill Farmhouse itself, which will not be subject to any disturbance over and above that generated by existing commercial uses on the site.

The development is therefore considered acceptable and consistent with the development plan.

CIL LIABILITY

The development is not liable for CIL as it comprises neither residential nor retail floorspace.

CONCLUSION

The proposal therefore accords with Policies SS2, EMP2, and EMP3 of the adopted Part 2 Local Plan, policies S8, E1, and R2 of the JCS and gives due regard to the Council's Corporate Priorities.

HUMAN RIGHTS AND EQUALITIES

Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.

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.

Case Officer Signature	Samuel Dix
Date	28 th July 2020

Authorising Officer signature	CCA
Date	29 th July 2020