## APPLICATIONS FOR DETERMINATION

**PLANNING MANAGEMENT COMMITTEE**  - 18<sup>th</sup> December 2019

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Applicant Majestic Properties Northants Limited - Mr C Smart
Agent Archade Architects
Location Hamblin House, Hamblin Court, Rushden, NN10 0RU
Proposal Change of use from existing commercial offices to domestic dwellings and alteration and refurbishment of existing commercial offices to form dwellings, consisting of: four single storey one-bedroom ground floor flats, one single storey two-bedroom first floor flat, one two storey one-bedroom dwelling, and one two storey two-bedroom dwelling, and waste bin storage.

The application is brought before the Planning Management Committee because it falls outside of the Scheme of Delegation in Part 1b of the Council’s Constitution (2019). The recommendation is not in accordance with the views of Rushden Town Council, and is referred to the Committee by Councillor Jenney.

1 Summary of Recommendation

1.1 Approve subject to conditions.

2 The Proposal

2.1 The proposal is to convert the building to 7 individual units, consisting of:
   - 5 one-bed flats (one is on two floors)
   - 1 larger two-bed flat and
   - a single two-bed two storey dwelling.

2.2 The external appearance of the building would not change significantly, as the proposals are for a change of use and internal conversion and refurbishment into dwellings. No extensions or major alterations to the existing fabric are proposed, other than some possible repair or making good works to the existing fabric if required.

2.3 The external changes are limited to
   - a new external main entrance door would be provided serving Flats, 2, 4 and 7
   - new external doors would be provided to serve Flats 3, 5 and 6
   - new timber windows would be provided to
     o Flat 3, adjacent to its new entrance door,
     o first floor to dwelling 1 and
     o to the rear elevation to replace existing high-level windows to Flats 5 and 6.

2.4 A new bin store will be created and made available to all units. An external ventilated door will be installed.
2.5 To the eastern end of the building an external passageway will be cleared of fly tipping and gated. It will offer access to the bin store between the front and rear of the property.

3 The Site and Surroundings

3.1 The building is an attractive stone built structure and was an office for the Hamblin Group, created by conversion from previous residential use in 1988. The applicant states that it was for sale for two years prior to it being vacated by a publishing company. As this was unsuccessful, open advertising started a year ago with no interest until purchased at an auction by the applicant.

3.2 The building forms part of a mixed use area of offices, shops and flats set back from the main shopping street (High Street). Nearby buildings have flats on upper floors with ground floor units occupied by commercial uses. Pedestrian access from High Street is by two alleys, or from the rear car park by steps. The access arrangement is generally the same as was the case for the previous offices.

3.3 The building does not have its own vehicular access but has shared access to the car park to the northeast of the site accessed off Rectory Road and pedestrian access via the High Street. The adjacent car park is owned by others but both the previous office use and presently proposed use are free to seek dedicated parking spaces. The applicant states 11 parking spaces are presently secured, but it is stressed that these are leased spaces as was the case with the previous office use.

3.4 The site lies within the zone of influence of the Nene Valley Gravel Pits Special Protection Area. There are no other particular planning constraints (designations) affecting the site.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 4 - Biodiversity and Geodiversity
Policy 6 - Development on Brownfield or Previously Used Land
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 11 - Spatial Strategy
Policy 12 - Town Centres and Town Centre Uses
Policy 28 - Housing Requirements
Policy 29 - Distribution of New Homes
Policy 30 - Housing Mix and Tenure
  a. i. encourages accommodation of smaller households
  a. ii avoid overconcentration of a single type of housing
  b. requires space standards to be met
4.3 Rushden Neighbourhood Plan (Made Version June 2018)
EN1 – Design in development
H4 – New market housing. Proposals will be required to provide a balance of property sizes and types to meet market demands in accordance with Policy 30 of the JCS. The policy also supports conversion of non-residential buildings for flats.

Policy EJ3 – Retention of existing employment floorspace. Existing employment sites falling within business, research, industrial, storage or distribution uses, will be safeguarded. However, where there is no reasonable prospect of a site being used for its allocated employment use, applications for alternative uses of land or buildings will be assessed on their merits having regard to market signals and the relative need for different land uses to support the aims and objectives of the Neighbourhood Plan.

4.4 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)

5 Planning history

5.1 No records for the current property but nearby approvals include:
   - 8 Hamblin Court. Change of use from ground floor offices and store to a one bedroom ground floor flat. Approved 2/5/2013.
   - 92 - 94 High Street (shop on High Street frontage)
     - 05/01495/FUL. Change of use to employment agency Approved 31/8/2005.
     - 05/01743/FUL. Change of use from first floor offices to one bed flat (Rear of 92). Approved 21/10/2005.

6 Consultations and Representations

6.1 Neighbours
1 letter of support from occupier of one of the local shops saying: “I was interested in renting one of the flats when they are converted as I struggle to find anything in my price range”.

6.2 Rushden Town Council
Comments received: 17.10.2019: Object for the following reasons:
"The proposed dwellings do not have any provision for parking within the development. The floor space for some of the dwellings do not comply with building regulations. We feel the proposal is a overdevelopment of the site. No provision has been made for Amenity space within the Development."

6.3 Natural England
The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.
6.4 Northamptonshire County Council - Local Highway Authority.

Comments received 24.09.2019 Objects.
The LHA cannot support this application owing to the proposed parking arrangement as we would have concerns with any consent which relies on an agreement for parking that may come to an end. This would mean; a loss of suitable parking for the residents, it would cause an intensification of on-street parking and would mean the dwellings do not satisfy the parking requirements.

6.5 East Northamptonshire Council - Environmental Protection Officer

Comments received 16.09.2019: No objection.

6.6 East Northamptonshire Council - Waste Management Officer

Comments received: 30.09.2019:
With regards to the above application I would make the following comments:
There appears to be no area allocated on the plan for storing waste from the new properties. Would the properties receive a communal bin collection or a sack based collection? They would likely be unsuitable for individual wheeled bin collections. Could the developer please provide this information along with where the collection point would be - additional waste placed out for collection in the High Street in sacks would not be acceptable and neither would communal wheeled bins.

Further comments received 11.11.2019 on revised plans:
Whilst in the first instance the developer may arrange for waste to be collected weekly in sacks by a third party, the bin collection point needs to be future proofed as we have a statutory duty to collect which the future management of the property could invoke. For this reason I would request that the bin compound is of sufficient capacity to accommodate 2 x 660 litre Eurobin type waste containers. (Note: revised plans now provide this).

6.7 East Northamptonshire Council - Housing strategy

Comments received 18.10.2019. No objection

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

1. Principle of Development

a. Change of use to residential from office use is 'permitted development'

7.2 This is an unusual application as planning permission is not needed for use of offices for residential use under part O of the General Permitted Development Order 2015. This procedure is subject to the submission of a 'Prior Approval' application (a presumption that permission can be granted subject to the prior approval of (a) highways impacts, (b) contamination risks, (c) flooding, and (d) impacts of noise.
7.3 The application appears to have been made as the applicants were not aware of this route to secure an approval, but this in any event does not undermine the validity of making a planning application. The proposal is to ensure clarity and given the minor external changes to the exterior to accommodate new doors and windows. Consequently it is advised that as the applicants have a legitimate ‘fall back’ position, no adverse issues can be practically raised on the principle of the change of use. The application effectively allows the Council to express a view on the physical external changes.

7.4 Setting aside the permissive regulations that would allow this change of use anyway, Policy 22 of the JCS protects employment uses from loss unless there is no reasonable prospect of re-use. In this instance the long period of vacancy and the poor local office market does suggest there is no reasonable prospect of the building being used as offices. The Council’s Employment Land Review (March 2019) reinforces this, and reports take-up is still not strong (with other locations being more attractive).

7.5 There are no policy objections to this proposal as it is not considered that the retention of a unit of this size would have a significant impact on the employment floor space provision in Rushden. There is not an identified need to retain such units. The requirements of JCS Policy EJ3 are thereby met.

\[ b. \text{ Evaluation against the Rushden Neighbourhood Plan.} \]

7.6 The Town Council have objected (see above). Policy H4 discourages more flats but supports conversion of non-residential buildings for flats. Consequently the proposal is not contrary to the Neighbourhood Plan. It is also worthwhile noting that the Neighbourhood Plan notes, at 3.1, there is an overall lack of smaller units to enable downsizing and to provide homes for the town’s reducing household size. The proposal appears consistent with the Neighbourhood Plan.

2. Internal Arrangements

7.7 The unit sizes are shown below:

<table>
<thead>
<tr>
<th>Unit no.</th>
<th>type</th>
<th>Size m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - ground and first</td>
<td>2 bed</td>
<td>107</td>
</tr>
<tr>
<td>2 - ground floor</td>
<td>1 bed</td>
<td>41.7</td>
</tr>
<tr>
<td>3 - ground floor</td>
<td>1 bed</td>
<td>41.2</td>
</tr>
<tr>
<td>4 - ground floor</td>
<td>1 bed</td>
<td>51.4</td>
</tr>
<tr>
<td>5 - ground floor</td>
<td>1 bed</td>
<td>38</td>
</tr>
<tr>
<td>6 - ground and first</td>
<td>1 bed</td>
<td>47</td>
</tr>
<tr>
<td>7 - first floor</td>
<td>2 bed</td>
<td>78.6</td>
</tr>
</tbody>
</table>

All units are at, or above, the nationally prescribed space standards which is 38m² for a 1-bed 1-person unit. Reasonable access provisions are made, some units with independent access, others with shared. The creation of a new external access from front to rear is welcomed to help prevent fly tipping by bringing a previously disused area into active use.

7.8 Refuse storage has required revision to the scheme. External access is now possible to a large bin store sufficient to take 2 Eurobins. The applicant has also presented a waste management plan, the terms of which will be secured by condition 6 in the
recommendation.

7.9 The town council objects that the scheme will not meet building regulations. It is not for the present decision to review the application of the Building Regulations, but the units do meet national space standards.

3. The Conservation Area and Impact on its Character.

7.10 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. The following shows that overall the proposal brings about minimal physical changes; however both the use and physical changes will enhance the conservation area.

a. Physical Works

7.11 The majority of work is internal alteration work with minimal affect or change to the external appearance of the building. The exception is the new windows and external doors to replace existing windows and doors and to provide new access for flats 3, 5 and 6.

7.12 The proposed external alterations are minor changes. All the works will be in keeping and reflect existing window and doorway style. The surrounding properties will be unaffected by the proposals. The impact on the Conservation Area within which this site, building and proposals is situated will be minimal. A condition is advanced to allow for careful examination of design to ensure quality is achieved.

b. Impact of the Use

7.13 Creation of a new gated access between the front and rear (at the eastern end of the building) will succeed in improving management of a frequently fly tipped area (refuse is thrown from the adjacent higher level car park). This will occur by increasing use by occupiers. This will be a great advantage to the appearance of this area that is a key route between shops and a car park.

7.14 The proposed new dwellings will be mostly accessed directly from the front (south) of Hamblin Court. This has a pedestrian access from the High Street. There is also a route via a pedestrian right of way (alley way) also accessed from the High Street. As the building faces a route used to access a car park as well as shops or services, bringing the building back into use is in itself welcome. It will also bring new night time activity into a relatively poorly overlooked area, of particular importance once the shops are closed.

7.15 The rear of the building, looking northward, faces a narrow alley that is publically accessible yet not readily overlooked. It is also subject to some flytipping. The introduction of new windows (replacing present high level windows) and two new doors (to flats 5 and 6) on this elevation will increase use as well as natural surveillance thereby directly helping to improve the alley's somewhat isolated character.

4. Parking

7.16 The previous use was an office reliant on the shared town centre parking area nearby. Standards would have required 11 spaces for the previous 320m² office. The proposed use for residential requires 9 spaces (5x 1 beds, 2 x 2 beds). On this
measure the parking demand is ‘less’.

7.17 The Local Highway Authority is of the view that:
- there a risk that the arrangement for providing 11 parking spaces may come to an end and
- they are concerned about the intensification of on street parking if this was to happen.

7.18 However, it is normal to assess the impact of a use based on comparing it with the continuation of the current lawful use. Paragraph 109 of the NPPF is relevant here. It reasons:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”

7.19 The new use will have a lesser parking demand so arguably presents ‘betterment’ over the previous use. In addition this is a town centre site where parking-free housing is to be expected given historic street patterns. The applicant however is able to continue the leased parking they already have (a similar arrangement as the previous office use) but this cannot be relied on.

7.20 The Neighbourhood Plan Notes at 1.57 ‘Parking provision around the town is typically generous with 451 spaces available in eight East Northamptonshire Council owned public car parks’. For this reason and other matters raised above, there is no highways case to oppose this town centre development.

**Ecology and Green Infrastructure**

7.21 The application site is within an ecologically sensitive area due to its proximity to the Upper Nene Valley Gravel Pits Special Protection Area (SPA), SSSI, Ramsar site and its associated Local Wildlife Sites and linked habitats.

7.22 Under the Conservation of Habitats and Species Regulations 2017 a Habitats Regulations Assessment (HRA) has been undertaken. The purpose of a HRA is to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. The HRA for this application is included at Appendix 1 and concludes that, subject to mitigation measures amounting to a payment of £1886.08 (already made) that the impact upon ecology will be acceptable.

7.23 This adequately mitigates the impact on ecology.

**8 Other Matters**

8.1 **Equality Act 2010**: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.2 **Sustainable Construction** A condition is recommended to ensure water use is limited to that specified by JCS Policy 9, as the site lies in an area of water stress.

**9 Recommendation**

9.1 **Approve** subject to conditions.
10 Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2 The development shall be carried out in accordance with the following approved drawings and documents:
   • 01A location and existing block plan August 2019
   • 02A existing first floor plan August 2019
   • 03 Existing elevations
   • 04D proposed ground floor plan
   • 05 proposed first floor plan
   • 06A proposed elevations
   • Waste Strategy dated 14.11.19

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Windows and doors. Prior to the commencement of the development, details (including scale drawings, cross sections and details of colour/finish) of all doors and windows (which shall be timber) shall be submitted to the Local Planning Authority for approval in writing. Thereafter the windows and doors shall be installed as per the approved details and retained as such in perpetuity.

Reason: In the interests of preserving the character of the existing building and the significance of the Conservation Area.

4 No overhanging of highway. Any doors or windows to be provided in the elevation fronting directly to the public highway shall be so constructed such as to be incapable of being opened over the public highway and thereafter retained in perpetuity.

Reason: Outward opening is prevented in the interests of public safety.

5 Water and energy use. Notwithstanding the submitted details, no occupation of dwellings shall take place until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate the following sustainability measures for the new buildings:
   a) Measures to limit water use to no more than 105 litres / person / day.
   b) Minimum standards for gas fired boilers.

Reason: To secure high standards of resource use in accordance with Policy 9 of the Joint Core Strategy 2016.

6 Provision of refuse storage area. The refuse storage and collection space shown on Drawing 04D shall be provided prior to the first occupation of the units to which they relate and shall be retained in the approved form thereafter. The approved Waste Strategy dated 14.11.19 shall be followed for the duration of the use, or otherwise as may be agreed in writing with the Local Planning Authority.

Reason: To prevent the unsightly storage of refuse containers and in the
interests of amenity and sustainability.

7 Clear access in passage. The new passageway to the east of the building shall be kept clear for access and maintained as such.

Reason: To ensure access for Units 5 and 6 to access the bin store.
Appendix 1 – Habitat Regulations Appropriate Assessment

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations, however, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

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<tr>
<td>Application description:</td>
<td>Change of use from existing commercial offices to 7 domestic dwellings and associated alterations</td>
</tr>
<tr>
<td>Status of Application:</td>
<td>Pending decision</td>
</tr>
<tr>
<td>Proximity to SPA:</td>
<td>Within 3km SPA buffer</td>
</tr>
</tbody>
</table>

Lead Planning Officer: Gordon Smith

Stage 1 - details of the plan or project

| European site potentially impacted by planning application, plan or project: | Yes |
| Is the planning application, project or plan directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)? | No |
| Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an ‘in combination’ effect to be assessed)? | YES, The HRA for the North Northamptonshire Joint Core Strategy assessed the in-combination effect of residential development within a 3km catchment of the SPA and concluded that such development would have an adverse effect on its integrity of the SPA unless avoidance and mitigation measures are in place |
### Stage 2 - HRA screening assessment

Test 1: the significance test – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA.

The application is for development resulting in a net gain in residential units. The net increase is of 7 residential units. Such development will have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place. In accordance with current policy, a financial contribution is required.

### Stage 3 - HRA – Appropriate Assessment

Test 2: the integrity test – If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

A mitigation strategy has been proposed to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by making a financial contribution towards Strategic Access Management and Monitoring (SAMM) and/or other suitable infrastructure. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.

Provided the applicant agrees to this contribution (contribution paid) and that Natural England is satisfied that payment of the standard contribution provides adequate mitigation then significant harm can be suitably avoided and mitigated.

### Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

**Conclusion:**

Development in the area surrounding the Upper Nene Valley Gravel Pits SPA could lead to increased public access for recreation, e.g. from dog walking, which in turn can lead to disturbance of the notified bird populations and impacts to the ability of birds to use the site for feeding and roosting.

It is considered that if there are satisfactory mitigating measures put into place the development would be considered to be acceptable. Adequate mitigation measures can be achieved by the payment of £269.44 per dwelling, £1886.08 total - to support funding a range of measures which could include fencing and screening, footpath diversions, wardenning and monitoring. The contribution has been paid and consequently, it is not considered that the proposal would adversely affect the integrity of the SPA.

**Natural England Officer:**

Summary of Natural England’s (NE) comments 17.09.2019:

The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.
Case Officer  Patrick Reid  19/01154/FUL

Date received 1 July 2019  Date valid 3 July 2019  Overall Expiry 20 December 2019  Ward Lower Nene  Parish Lutton

Applicant  Long Brothers

Agent  Mr Lewis Smith

Location  Lutton Farm Buildings Washingley Road  Lutton  Northamptonshire

Proposal  Continued retention of caravans for seasonal agricultural workers and stationing of welfare facilities. (Retrospective)

This application is reported to the Planning Management Committee in accordance with the Council’s Scheme of Delegation, as the proposal falls within the definition of a ‘major’ residential development by virtue of the number of caravans proposed and the size of the application site.

1  Summary of Recommendation

1.1  Recommendation: That planning permission be GRANTED subject to conditions.

2  The Proposal

2.1  The application seeks to retain caravans used for the accommodation of seasonal agricultural workers and associated welfare facilities. The site has been used at least in part for workers’ accommodation since around 1994. The proposal is to retain the existing caravans and associated facilities. The proposal also includes the addition of a shower facilities block to be located within the middle of the site.

2.2  There have been previous consents for the site, most recently in 2009 and 2014. The current proposal and layout of the site is similar to that approved in 2014 under reference 13/02007/VAR. The differences between that approved scheme and that subject to this application comprise the proposed new shower block in the centre of the site and five caravans to the eastern part of the site. The 2014 permission comprised a total of 48 caravans as well as the shower/toilet and washing blocks. The current proposal includes 53 caravans. There is an area to the north of the site which is not occupied by caravans but the application seeks consent to install caravans in this location, as per the consent from 2014. Condition 1 of that consent set out that the permission was limited until 31 May 2019. It stipulated that ‘within one month of that date, all of the caravans and associated structures shall have been completely and permanently removed from the site.’ In order to seek continued/further planning permission for the structures, this current planning application was received shortly afterwards, on the 1 July 2019.

2.3  The site itself is primarily used for the accommodation and associated facilities for workers at the farm. The accommodation comprises static caravans which are laid out mostly in rows along with external space beside each, and circulation space. There are washing/shower and toilet facilities toward the south-western part of the site. Near to the access point off the road is a relatively large open area used as a bus unloading point. A building used for the packing of fruits is located near to the front also. Much of the site is
landscaped with grass in addition to walkways around the caravans for circulation. There is the storage of materials located within the area where buses drop off and pick up staff.

2.4 A public right of way runs through the site running in front of the access to the eastern boundary.

3 The Site and Surroundings

3.1 The application site is located to the eastern side of Lutton and is positioned to the north of Washingley Road. The site comprises an irregular shaped parcel of land which forms part of Lutton Farm, which operates in the production of strawberries, blueberries and raspberries. The southern boundary of the site borders the highway, adjacent which is a verge and a hedge marks the boundary. To the east of the site is part of the farm where fruits are grown within polytunnels. To the west of the site are buildings associated with the farm at the front off the highway, as well as fields providing a separation from the site to the nearest residential properties.

3.2 To the north of the site are agricultural fields not associated with the fruit farm. The road to the south continues running to the west where the centre of the village is reached.

3.3 The site lies within the zone of influence of Ashton Wold Site of Special Scientific Interest. There are no other particular planning constraints (designations) affecting the site.

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 3 - Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 10 - Provision of Infrastructure
Policy 11 - The Network of Urban and Rural Areas
Policy 13 - Rural Exceptions
Policy 19 - The Delivery of Green Infrastructure
Policy 20 - Nene and Ise Valleys
Policy 22 - Delivering Economic Prosperity
Policy 23 - Distribution of New Jobs
Policy 25 - Rural Economic Development and Diversification
Policy 28 - Housing Requirements
Policy 29 - Distribution of New Homes
Policy 30 - Housing Mix and Tenure

4.3 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)
Policy 4 - Green Infrastructure
Policy 5 - Transport Network
Policy 23 - Rural Buildings - General Approach
4.4 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

5 Relevant Planning History

5.1 13/02007/VAR - Variation of condition 1 to allow the retention of the caravans and welfare facilities for a further five years and condition 3 to vary the occupation of caravans within the farm pursuant to planning permission EN/08/01355/FUL: 'Use of land for the stationing of mobile homes for occupation by seasonal agricultural workers, stationing of ancillary welfare facilities and change of use of agricultural buildings to welfare facilities' dated 13.1.09. Permission 16.04.2014

5.2 08/01355/FUL - Use of land for the stationing of mobile homes for occupation by seasonal agricultural workers, stationing of ancillary welfare facilities and change of use of agricultural buildings to welfare facilities. Permission 13.01.2009 (expired 30th Nov 2013).

6 Consultations and Representations

6.1 Neighbours
No comments received.

6.2 Lutton Parish Council
No comments received.

6.3 Natural England
Comments received 07.08.19: No comments.

6.4 Northamptonshire County Council - Local Highway Authority (LHA)

Comments received 19.08.19: The LHA would object to this application in its current form until the applicant resolves the current ongoing issues that have been raised by the Definitive Map Team. Once these issues have been resolved and the applicant can display a detailed plan showing no obstruction to any Rights of Way the LHA would then be able to provide a detailed response.

Access Surfacing - All private vehicular accesses should have a hard bound surface for a minimum of the initial 10.0m from the highway boundary.

Subsequent comments received verbally: Proposal now acceptable as the Definitive Map Team no longer object.
6.5 **Cadent Gas**

*Comments received 14.08.19:* Comments recommending that the Applicant contact Cadent Gas as the site is close to National Grid’s Transmission assets. A map was provided which indicates a mains pipe may run along the far eastern part of the site.

6.6 **BPA - Total Fina Pipeline**

*Comments received 07.08.19:* Not aware that any BPA maintained apparatus falls within the working area, as searched.

6.7 **East Northamptonshire Council - Environmental Protection Officer**

No comments received.

6.8 **Northamptonshire County Council - Rights of Way Officer**

*Comments received 28.08.19:* I write further to my previous email of objection to this application. In light of the revised plan 886-4_PL_SP02 I no longer object to this application, as long as the caravans are positioned as shown on this plan and do not obstruct public footpath NL3, the route of which is shown on the revised plan.

6.9 **Northamptonshire County Council – Local Lead Flood Authority**

*Comments received 02.12.19:* On review of the site details the LLFA would require a flood risk assessment and drainage strategy. We would however take advice from yourselves in regards the retrospective application and whether you feel our requirements would constitute a retrofit if SuDS were requested.

6.10 **Reading Agricultural Consultants**

*Comments received 21.11.2019:* Having reconsidered the business operations at Lutton Farm, RAC concludes:

- whilst there is not a strict essential functional need for all the workers to live on site the provision of on-site accommodation is a more sustainable and preferred solution for both the business and the local community in terms of logistics and housing affordability. Furthermore, in the absence of on-site accommodation for such numbers of workers the business would probably cease to exist;

- the availability of alternative labour in the local marketplace has not proved forthcoming or sustainable and so migrant labour has to be employed;

- the existing arrangement provides a well-organised system which provides logistical benefits to both the worker and the farm business from housing them on site; and

- the business is financially viable, based upon information supplied with previous similar applications to retain the static caravans. There remains the option to remove all caravans from the site should the business cease or change operation at the end of the five year period.
7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

Principle of Development

7.2 The development comprises accommodation for workers of a fruit farm. The accommodation is intended solely for this purpose and comprises caravans and associated washing and other facilities. The principle of accommodation for farm workers in a location outside of a settlement is acceptable in principle, subject to it being appropriate in other respects. Fruit farming is an appropriate use outside of a settlement and the accommodation is required to support this operation. The development is already in place and is in use, save for a proposed new shower facility unit.

The Agricultural Operation and Business

7.3 The application submission sets out that there has been some form of accommodation for agricultural workers in the form of caravans since 1994, although the first consent for such was granted in 2009. The submission sets out that the soft fruit business covers 83ha and produces strawberries, raspberries and blueberries. The chilling and packing of fruit occurs at Lutton Farm and production included around 200 tonnes in 2013 and is predicted to be 450 tonnes in 2019. A summary of the labour requirements of the farm sets out the variation of need across the year, peaking in the summer months. In total, 225 staff are employed at the site over the year.

7.4 Workers for the farm are almost entirely from continental Europe, rather than local workers. As such the workers are not resident in the locality and require accommodation close to the place of work. On the 13 January 2009, temporary planning permission was granted for a very similar development. This consent expired on 30 November 2013. Subsequent to this, planning permission ref. 13/02007/VAR gave consent until 31 May 2019.

7.5 The Officer Report for the consent granted in 2009 (ref. EN/08/01355/FUL) refers to an assessment made of the type of accommodation and whether it was appropriate. The advice received from a specialist Agricultural Consultant was that caravan accommodation is reasonable and the norm as workers travel from Continental Europe for the work. The Officer Report from 13/02007/VAR also supported the conclusion that the accommodation was justified and that there were no adequate alternatives.

7.6 In regard to the viability of the agricultural business, there is no indication to suggest the farm is not viable. It is still in operation and the stated information refers to production being significantly more than at the time of the 2009 consent. At the time of the site visit, the site was in active operation with seemingly all or at least the vast majority of the caravans occupied by workers.

7.7 The Council commissioned an independent review of the case for the accommodation from specialist consultancy, Reading Agricultural Consultants. Their report was received on 21st November 2019 within which they assessed the financial viability, the functional need and the availability of other suitable accommodation. The report's conclusions included that if the on-site accommodation was absent, the business would probably cease to exist. Additionally the accommodation is in a sustainable location for workers.
and the existing arrangement provides a well-organised system logistically for the workers. Additionally the business is financially viable, based on the information provided.

7.8 In taking account of the details set out within the submission, the response from the specialist consultant commissioned by the Council, and the information contained within the planning permissions from 2009 and 2014, the proposed development is considered acceptable in principle.

Design, Layout and Impact on the Character and Appearance of the Area

7.9 The site has been occupied by caravans since 1994 and is characterised by its established use. The application is very similar to that previously approved albeit the plans indicate an additional five caravans being proposed in addition to a new shower unit. The majority of the site is the same and as such there is no particular change to the character of the site.

7.10 The differences to the previously consented scheme are relatively minor and comprise the addition of five caravans toward the south-eastern part of the site. There is a hedgerow along the southern boundary which adjoins the road which screens much of the caravans from view. During the application the position of the most recent caravans was altered following it being raised by the Rights of Way Officer that they crossed the route of the public right of way (ROW). The caravans are now located away from the line and the associated plan reflects this. As such the addition of the caravans to those previously approved and in-situ is not considered to have any material detrimental visual impact and is acceptable. The proposed addition of a new shower block near to the centre of the site is also considered acceptable as it would have no visual harm.

7.11 The caravans are generally away from view from the road as larger, permanent buildings are located at the front. These provide the primary focus as viewed from this point. The proposal is considered acceptable in visual terms.

Highway Safety and Parking

7.12 The accommodation has been in place for several years and is primarily accessed by workers via a minibus service run as part of the operation. The farm has a contract with a local bus service which provides transport to the strawberry fields and a bus is also provided to a supermarket once a week. The residents of the caravans are therefore not reliant on cars and are understood to not have their own vehicles, at least in the vast majority. The bus unloading point is sufficiently large for workers to be picked up and dropped off safely.

7.13 Initial comments received from the local highway authority (LHA) were in objection to the proposal. The reasons being in part due to the conflict with the ROW which was subsequently overcome by moving some caravans. It was later confirmed by the LHA Officer that they no longer object to the application. In taking account of the fact that the site has existed and operated in various forms over many years, it is considered that it is unnecessary for surfacing details to be required. The surfacing was hard surfaced at the time of the Officer's visit for several metres. There was no loose gravel or material evident. In their initial comments the LHA suggested that, due to an increase in use due to the addition of five caravans, further details be provided. The subsequent comments from the LHA removed the request for further information, after the full nature of the operation of the site had been considered. The additional caravans are unlikely to have any material impact on the number of movements from the site as workers generally do not have their own vehicles.
Ecology

7.14 The continued retention of caravans and associated facilities, in addition to the proposed shower block, is considered to not raise any ecological concerns or reasons to prevent the granting of planning permission.

Residential Amenity

7.15 The caravans have existed in-situ save for the most recent additions now moved from the path of the right of way, for several years. It is understood the operation has been run successfully and professionally and the required living, cooking, washing and cleaning facilities are provided on-site. The Council’s Environmental Protection Officer did not object to the application and there is no reason to indicate the retention of the caravans will cause any harm to the residential amenity of nearby properties. It is also considered the proposal provides acceptable levels of residential amenity for residents of the site.

Flooding and Drainage

7.16 The application has been subject of consideration by the County Council as the Lead Local Flood Authority. They provided comments which indicate that they would suggest a Flood Risk Assessment and Drainage Strategy are required. No such details were submitted with the application and neither were they required by either the 2009 or 2014 planning permissions. However, the development is considered on its merits at the time and based on the current policy basis. In considering the suggestion by the LLFA, the material considerations include that the vast majority of the caravans have been on the site for several years and that the development comprises temporary structures rather than permanent. On visiting the site, the extent of impermeable hardsurfacing of the site was limited as the caravans were simply placed on the land and the walkways were gravel based. Unlike a more ‘traditional’ development that is permanent, there is no apparent reason to indicate that the caravans and facility blocks would result in a material increase in the probability of flooding. The site is in flood zone 1 (low risk of flooding) and it is considered that in order to ensure the drainage of the site is satisfactory, notwithstanding the nature of the development, details can be controlled by condition.

8 Other Matters

8.1 In respect of conditions, it is considered appropriate that the starting point should be the conditions imposed on the previous planning consent ref. 08/01355/FUL, with the addition of a drainage condition as detailed above.

8.2 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9 Conclusion / Planning Balance

9.1 The site has been in use for many years for the accommodation for workers at the fruit farm and the application seeks a continuation and retention of the caravans and facilities for this use. This application is similar to that previously approved in 2009 save for some relatively minor additions of five caravans and a new shower block. The development is fundamentally the same as previously approved and it was apparent from the site visit and the information submitted, that it is in active use as part of the agricultural enterprise.
The accommodation is needed for the number of workers required as part of the operation. The arrangement of providing accommodation at this location and a bus service for work and shopping trips represents a sustainable means of operating the fruit farming operation. The Applicant addressed concerns relating to the Right of Way. The proposal is considered to be acceptable, sustainable and in compliance with the relevant policies of the development plan and the NPPF.

10 Recommendation

10.1 Recommendation: That planning permission be GRANTED subject to conditions.

11 Conditions

1 This permission shall be for a limited period only, expiring on 18th December 2024. Within one month of that date, all of the caravans and associated structures shall have been completely and permanently removed from the site. Prior to that date, a scheme shall have been submitted to the Local Planning Authority and approved in writing to determine the extent of restoration required for the site. This approved restoration scheme shall be implemented within one month of the expiry of this permission.

Reason: Caravans are temporary structures and there is no certainty that the need to house migrant workers to meet the needs of the agricultural business will continue in the future.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Plan ref. 886-4 PLSP02C
- Location Plan ref. 886-4 PLLP01

Reason: To assist in defining the terms of the planning permission.

3 A register of all workers living in the caravans shall be kept and made available to the Local Planning Authority on request. In addition to recording in which caravan a person lives the register shall also include details of where they work.

Reason: To enable the Local Planning Authority to readily check that the caravans are being occupied by seasonal agricultural workers only.

4 The caravan site shall be used for no other purpose than to accommodate seasonal workers employed at Lutton Farm. The areas shall only be used for occupation by seasonal agricultural workers during the following periods:

Area 1 - 15 January to 15 December
Area 2 - 15 January to 15 December
Area 3 - 1 May to 30 September
Area 4 - 1 June to 31 October.

Reason: To ensure that the occupation of the caravans is restricted to the requirements of the Lutton Farm holding as the caravan site is located within countryside where planning permission is not normally granted for residential development.
5 All transport of workers to the fields shall be by bus/minibus.

Reason: In the interest of highway safety.

6 Within three months of the date of the permission, details comprising a Flood Risk Assessment and Drainage Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The Drainage Strategy shall be carried out in accordance with any such details approved by the Local Planning Authority.

Reason: In the interests of securing adequate drainage of the site.
The application is brought before the Planning Management Committee because it is submitted by a member of staff.

1  **Summary of Recommendation**

1.1  **Recommendation:** That planning permission is refused for the reason set out at section 11 of this report.

2  **The Proposal**

2.1  The application proposes a two storey rear extension to accommodate a kitchen and living room on the ground floor and two bedrooms, dressing room and shower room on the first floor. Some internal ground floor room layouts would also be altered, including the addition of a study where the current living room is and a bathroom where there is currently a kitchen. The proposal also includes the addition of two dormer windows to the double garage to create habitable accommodation.

2.2  The proposed two storey extension would extend to the rear by approximately 4.8 metres and would be 7.4 metres in width by 6 metres in height. Materials would match the existing dwelling. Amendments were received reducing the length of the extension to the rear of the property from 6.3 metres to 4.8 metres.

3  **The Site and Surroundings**

3.1  The site accommodates a two storey, detached property fronting Raunds Road. This part of Raunds Road is a ribbon development consisting of a mixture of dwelling types. To the north and south are other residential properties and to the east and west is open countryside. The village of Chelveston lies to the south.

4  **Policy Considerations**

4.1  **National Policy and Guidance**
National Planning Practice Guidance (NPPG)
4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 8 - North Northamptonshire Place Shaping Principles

4.3 Chelveston Neighbourhood Plan (July 2017)
Policy H1 – Restricted in-fill development within clearly defined settlement boundaries

4.4 Other Documents

5 Relevant Planning History

5.1 09/01498/FUL - Proposed two storey rear extension, single storey extension, detached double garage and brick wall with gate to the side of the existing dwelling. Permitted 02.12.2009.

5.2 14/01940/FUL - Extension to existing dwelling and detached garage. Permitted 22.12.2014.

6 Consultations and Representations

6.1 Neighbours

No comments received.

6.2 Chelveston Parish Council

Comments received 13.05.2019:

“The application site sits within the settlement boundary of Chelveston (NDP Policy H1C). The extension, whilst large in comparison with the original dwelling, is not excessive when compared to adjacent properties in Raunds Road and in comparison to the size of the plot in which it sits. Being to the rear, the street scene is not greatly affected. Accordingly, this Council does not object to the extension element of the application.

The dormer windows face away from the road, so again have little impact on the street scene. However, the Council notes there appear to be velux windows in the proposed front (east) elevation that are not described or referred to in the application form. In the absence of any information (e.g. size, opening, frame colour, glass tint, etc.), this Council objects to the Velux windows on the front elevation.

Reason: To avoid harm to the residential street scene through lack of information.

The use of the first floor of the garage as habitable [accommodation] is acceptable, having been established under EN/14/01940/FUL. Accordingly this Council does not object to this, but a condition is requested to limit its use to ancillary to the main dwelling.

Reason: For the avoidance of doubt.

The heat pump is located close (approx. 0.7m) to the boundary to the neighbouring property (Rosemoor), and given the noise specification (60db), it is highly likely it will create a noise nuisance to the neighbouring property. This would "materially harm the ... residential amenity" contrary to NDP Policy H1.

Accordingly, this Council objects to the Heat Pump in the proposed location.
Reason: Noise nuisance impacting residential amenity, contrary to policy"
6.3 East Northamptonshire Council – Environmental Protection

Comments received on 17.04.2019:

“This application is for an extension to the dwelling and installation of an air source heat pump (ASHP). From the submitted drawings and discussion with the applicant [the applicant] proposes to install the ASHP on the southern wall of the garage, which is immediately on the boundary with the adjacent property.

The applicant has submitted a technical information sheet on the properties of the ASHP. This gives a sound pressure level of 60dBA for the outside unit but no indication the distance this was measured at but is normally 1 metre. There is a close boarded fence between the two properties but this may only offer a small amount of noise mitigation. It is a rural area and I would expect background noise levels are quite low, especially at night as such noise from the AHSP may be intrusive especially in the garden of the neighbouring property. This may be exacerbated by the ASHP cutting in and out to maintain temperature.

I have discussed this with the applicant and there may be little scope for it to be installed elsewhere but suggest this could be explored further. Unfortunately I am unable to support this element of the application as I believe it may result in adverse impact and loss of amenity to the neighbouring property”.

Note: Following the receipt of these comments, the ASHP was removed from the scheme and is no longer submitted as part of the planning application.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following considerations are relevant to the determination of this application:

Visual Impact

7.2 The proposed two storey extension would be highly visible in the street scene given that the existing dwelling sits forward of its two neighbouring properties. Whilst it would be subservient, with regards to its height, to the main dwelling, its length would add more than double the length of the existing rear protrusion. Therefore, the depth that it extends (4.8 metres, with the existing rear protrusion being approximately 4.13 metres) to the rear of the property would not be subservient and would detract from the main dwelling resulting in visual harm. The proposed extension would dominate the existing building and not appear as a subservient extension and would drastically alter the proportions of the house impacting on its character.

7.3 It can be seen that the applicant has attempted to reduce the bulk of the proposed extension by adding in windows which are equally spaced, but there is still a high proportion of brick expanse on both the south and north elevations, which would add to the prominence of the extension in the street scene.

7.4 Overall, the proposed extension, by reasons of its design, location, bulk and length, would result in a proposal which would have a detrimental visual impact on the character and appearance of the host dwelling and the street scene.
7.5 Discussions have taken place on site with the applicant to see if a compromise could be achieved, to meet their needs of having a lift installed within the dwelling; however, a suitable compromise could not be achieved. The personal needs of the applicant are understood, but they are not a material planning consideration and do not outweigh the detrimental visual harm that would be caused.

7.6 The proposed dormer windows to the rear of the existing garage would not be highly visible in the street scene and would appear in keeping with the existing building. As such these do not cause any concerns.

**Impact on Neighbouring Amenity**

7.7 The nearest properties to the proposal are Wildacre to the north and Rosemoor to the south. Wildacre is a detached property located approximately 8 metres to the north. Rosemoor is a property located approximately 12.3 metres to the south.

7.8 There are no windows proposed to the first floor of the two storey extension that would result in any overlooking to the property known as Wildacre and the distance and layout would be sufficient to prevent any harm caused by overshadowing or overbearing impact.

7.9 The distance and layout of the proposed two storey extension would not result in any overlooking, overshadowing or have an overbearing impact on the neighbouring property at Rosemoor.

**Highway Safety and Parking**

7.10 Whilst there would be an increase in bedroom numbers, from three to five, there would be sufficient space on site to accommodate three vehicles and as such this does not cause any concerns.

**Noise**

7.11 The proposal originally included the provision of an air source heat pump. Following the receipt of comments from the Council’s Environmental Protection Team, this has now been removed from the proposal and is no longer being considered.

**8 Other Matters**

8.1 **Roof lights**: The Parish Council has raised concerns about the introduction of roof lights in the proposed garage. No roof lights are proposed as the existing ones are to be replaced with two dormer windows. Therefore this does not raise any concerns.

8.2 **Equality**: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

8.3 **Use of garage as habitable accommodation**: The Parish Council has requested that a condition be added to any permission granted to ensure that the proposed accommodation within the garage remains ancillary to the main dwelling. Should permission be granted then a condition could be added to restrict its use.
9 Conclusion / Planning Balance

9.1 The proposal would lead to the addition of a two storey extension that is not subservient to the main dwelling and would result in detrimental harm to the character and appearance of the host dwelling and the street scene. Whilst the needs of the applicant are understood, in that sufficient space needs to be provided to accommodate a lift, this does not outweigh the resultant visual harm therefore it is recommended that planning permission is refused on this basis. All other matters relating to impact on neighbouring amenity and highway issues have been satisfactorily addressed.

10 Recommendation

10.1 Recommendation: That planning permission is refused for the following reason:

11 Reason for Refusal

1 The proposed development, by reasons of its length, mass, bulk, design and location to the rear of the existing dwelling, would result in a feature that dominates the host dwelling and would be highly visible in the street scene resulting in a proposal which would lead to a detrimental visual impact on the character and appearance of the host dwelling and the street scene. The proposal is therefore contrary to guidance contained within paragraphs 127 and 130 of the National Planning Policy Framework, Policy 8 d) i) of the North Northamptonshire Joint Core Strategy and guidance contained within the Residential Extensions and Alterations Design Guide.