



Notice of Decision

Town and Country Planning Act 1990 Permission for Development

To: Mrs L Perry C/O Louise Gregory Old Market Office 10 Risbygate Street Bury St Edmunds IP33 3AA	Application No: WNS/2022/0100/FUL
	Application Date: 20 January 2022
	Date of Permission: 23 February 2023

WEST NORTHAMPTONSHIRE COUNCIL, in pursuance of powers under the above mentioned Act, hereby PERMIT:

Change of use of agricultural buildings to B8 storage use to include demolition of further building and moving of existing bridleway at Astrop Park Farm Astrop Park Kings Sutton OX17 3QN

In accordance with the accompanying plans and particulars and subject to the conditions specified hereunder :

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

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

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

100_05, 100_01, 100_02, 100_03, 100_04, Astrop Park Farm Passing places.

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

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

3. The materials to be used for the external walls and roller shutters for the proposal hereby permitted shall match in terms of colour, type and texture those used on the existing building.

Reason : To ensure that the development is constructed and finished in materials which are in harmony with the materials used within the existing built form and to comply with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to commencement of the proposal hereby approved the Applicant shall apply to the Local Planning Authority for the proposed permanent diversion of the Public Right of Way along bridleway AS22 under section 257 of the Town and Country Planning Act 1990.

Reason: In accordance with Section 257 of the Town and Country Planning Act 1990 and in order to protect the amenity of the bridleway users.

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D below in relation to land contamination and surface water drainage have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)'

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the

intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

Reason: Contaminated land investigation is required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the NPPF and in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

6. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the impact of the lighting on the vertical facades of sensitive properties and the measures necessary to reduce the impact. Any floodlighting shall be operated in accordance with the approved details at all times.

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

7. Prior to occupation of the development hereby permitted, a scheme for the installation of electric vehicle charging points within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. In keeping with the Councils adopted Parking

SPD and Low Emission Strategy 1 charging point per 10 spaces (unallocated parking) shall be provided together with appropriate cabling to enable increase in future provision.

Reason: In accordance with the Councils adopted Parking SPD and Low Emission Strategy

8. The development hereby permitted shall be carried out in accordance with the mitigation, conclusions and enhancements in section 4 of the Preliminary Ecological Appraisal and Bat Appraisal Report (V2), by Ecoline, dated October 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

9. Prior to first occupation of development hereby approved a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

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

10. If the development hereby approved does not commence by 1 st October 2024. A revised protected species survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species including bats and breeding birds. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Informative:

1. With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements: -
 - The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.

- There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the Area Rights of Way Officer, (as per Section 131 HA1980).
- If as a result of the development, i.e. the safety of the public cannot be guaranteed, the Right of Way needs to be closed, and a Temporary Traffic Regulation Order would become necessary. An Application form for such an order is available from West Northamptonshire Council's website, a fee is payable for this service and a period of six weeks' notice period is required. Please contact the highway authority at:- defmap.ncc@westnorthants.gov.uk
<https://www.northamptonshire.gov.uk/councilservices/northamptonshire-highways/rights-ofway/Pages/temporary-traffic-regulation-orders.aspx>
- Any new path furniture such as a gate can only be authorised if needed for the ingress or egress of livestock (Section 147 Highways Act 1980) and needs to be approved in advance with the Area Rights of Way Officer, standard examples can be provided. Please do not rely on the position of features on site for an accurate position of the public right of way. This must be taken only from the Current Definitive Map and Statement. Diversion Orders: The Definitive Map team are responsible for diversions carried out under the Highways Act, however, diversions required under the Town and Country Planning Act are the responsibility of the Local Planning Authority. Please contact planning.snc@westnorthants.gov.uk

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

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

Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 4 of the National Planning Policy Framework

In accordance with the above, WEST NORTHAMPTONSHIRE COUNCIL has worked with the applicant in a positive and creative way by offering to engage in pre-application discussions and, where possible, by enabling problems to be resolved within applications in accordance with its adopted protocol on 'Negotiating Submitted Applications'. Where the applicant chooses to engage in pre-application discussions, the outcome of these will be referred to in the application report. In responding to pre-application enquires and determining formal applications, WEST NORTHAMPTONSHIRE COUNCIL always seeks to look for solutions rather than problems so that applications for sustainable development can be approved, thereby resulting in improvements to the economic, social and environmental conditions of the area.

CONDITIONS

The applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

Material Samples

Please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.



Stephanie Gibrat
Assistant Director of Planning

Checked by:	SC (Officer initials)
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NOTES TO APPLICANTS :

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months (12 weeks in the case of householder or minor commercial development) of the date of this notice **(see exceptions below)*

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

If this decision relates to the same or substantially the same land and development as is already the subject of an **enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so **within 28 days of the date of this notice.****

If an **enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:*

28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.*

PURCHASE NOTICE

If either the local planning authority or the Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to

purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

BUILDING REGULATIONS

Any permission granted by this document relates solely to planning permission. Approval under the building regulations and other legislation may be required before works commence.

Development Monitoring

To inform us of your intention to start development please call, e-mail, or return the tear off slip, at least 14 days prior to the commencement of work on site. This will assist the Council with its policy of monitoring development within the district. Please ensure that you have complied with any pre-commencement conditions, e.g. supplied materials for approval. We will also monitor the development against the approved plans, and compliance with any Conditions imposed on the permission.

Thank you in advance for your assistance in this matter.

Yours faithfully

James Rodger
Development Management Manager.

Please complete the tear off slip (in block capitals) and return to the address below before commencing work

Development Monitoring
WEST NORTHAMPTONSHIRE
COUNCIL
The Forum
Moat Lane
Towcester
Northants NN12 6AD

From (Name and Address):
Name _____
Address _____

Phone: _____

Please be advised that the following development is due to commence:

Planning Permission Ref: WNS/2022/0100/FUL
Site Address: Astrop Park Farm Astrop Park Kings Sutton OX17 3QN
Commencement Date: _____