# APPLICATIONS FOR DETERMINATION

## PLANNING MANAGEMENT COMMITTEE  - 23 September 2015

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Committee Report

Case Officer: Graham Wyatt

Applicant: Rockingham Forest Park Ltd - Ray Mawhood
Agent: G P Planning Ltd - Ms L Booth
Location: Rockingham Forest Park, Wansford Road, Kings Cliffe, Northamptonshire
Proposal: Change of Use of Jacks Green at Rockingham Forest Park to provide for a range of tourist accommodation (caravan lodges and camping pitches), with supporting access infrastructure, hard standing bases with drainage and service provision, visitor facilities and landscape planting.

1. Summary of Recommendation
   1.1 That permission is GRANTED subject to conditions.

2. The Proposal
   2.1 The proposed development seeks to change the use of the land at Jack's Green, Kings Cliffe to provide a range of tourist accommodation, with supporting access infrastructure and visitor facilities. The proposed development will consist of the following:

   56 hardstanding bases for 55 accommodation (mobile homes style lodges) pitches and a site office and information point;

   9 camping pitches;

   Change of use of internal primary spine road and provision of hard surfaced passing bays;

   Surfaced secondary access tracks within Jacks Green;

   Installation of underground drainage and services infrastructure;

   Installation of lighting along the internal primary spine road and within Jacks Green; and

   Landscape planting along the internal primary spine road and throughout Jacks Green

   2.2 An existing access to the site would be used off Wansford Road. A track within the site would be used to access the site which is some 200m south of the access. The site itself is a clearing between woodland covering some 6.3ha.

   2.3 A central spine road would dissect the site which follows the line of a public footpath. The lodges would be sited north and south of the spine road to form 5 main clusters. The camping pitches would be sited south of the spine road. The caravan pitches will be provided with parking for each site. A parking area is also provided for the camping pitches.
2.4 The access for vehicles will be gated and a reception office located close to the entrance. Pedestrian access remains unobstructed. An existing property on the site, known as Jack's Green Cottage, will become the accommodation for the manager of the site.

3. The Site and Surroundings
3.1 The site forms a parcel of land situated some 200m south of Kings Cliffe Industrial Estate. The site is accessed via the Jack's Green office buildings where an existing track leads to the site. The site is a clearing which is bounded by mature and ancient woodland. Great Byards Sale lies to the north and west; Fair Oak Sale lies to the east while Great Morton Sale lies to the south. A natural opening between Great Byards Sale and Great Morton Sale to the west allows access to the site without the need to enter the ancient woodland. Within Jacks Green is the Great Norton Sale Grassland Local Wildlife Site, together with an overgrown area of track and hardstanding supporting sparse grassland.

3.2 Bedford Purlieus National Nature Reserve and Site of Special Scientific Interest (SSSI) is located north of Wansford Road and Old Sulehay Forest SSSIs, Wildlife Trust Reserve and Local Wildlife Site are located to the north east. The villages of Wansford, Yarwell, Nassington, Apethorpe and Kings Cliffe lie to the east, south and west of the Park and contain a number of Listed Buildings.

3.3 The site is bisected by public footpath NM20 which runs east/west. On the eastern boundary lies bridleway NM30 which connects southwards to bridleway NM31. To the north of the site is an existing two storey residential property known as Jack’s Green Cottage. This will become the manager’s home. The access to the proposed site follows existing gravel roads and passes a residential property known as The Framples to the north of the site, which is some 75m to the west of the access.

3.4 In World War 2, Jacks Green was used as an extension to the US Air Force Station. Glenn Miller conducted his orchestra in his last airfield hanger concert in October 1944, which is denoted by a modest memorial located in the south of Jacks Green.

4. Policy Considerations
4.1 National Planning Policy Framework
Planning Practice Guidance

4.2 North Northamptonshire Core Spatial Strategy
Policy 1 Settlement Roles
Policy 5 - Green Infrastructure
Policy 9 - Distribution and Location of Development
Policy 13 - General Sustainable Development Principles
Policy 14 - Energy Efficiency and Sustainable Construction

4.3 The Rural North, Oundle and Thrapston Local Plan
Policy 1 - Settlement Roles
Policy 10 - Protection of Local Sites of Conservation Interest and Designation of Local Nature Reserves
Policy 11 - Enhancing Biodiversity

4.4 North Northamptonshire Core Spatial Strategy Pre-Submission Plan Jan 2015
Policy 1 Presumption in favour of Sustainable Development
Policy 2 Historic Environment
Policy 3 Landscape Character
Policy 4 Biodiversity & Geodiversity
Policy 5 Water Environment, Resources & Flood Risk Management
Policy 6 Development on Brownfield Land & Land affected by contamination
4.5 Other documents
Government Forestry and Woodlands Policy Statement January 2013

5. Relevant Planning History
5.1 92/00653/FUL - Holiday Resort and International Golfing Centre including vehicular access. Approved 15.02.1995

5.2 14/01057/SCR - Request for screening opinion for a forest holiday development. Negative screening opinion issued 24.06.2014

6. Consultations and Representations
6.1 Neighbours: 44 letters of objection and one letter of support have been received. Several pieces of correspondence have also been received from the same objector commenting on the need for an Environmental Impact Assessment, the cultural heritage of the site and flooding/contamination at the site. These matters will be considered along with the following raised by objectors:

Access and traffic implications;
Impact on biodiversity;
Impact on the countryside;
Site will become a travellers site;
Impact on public rights of way/bridleways;
Pressure on local infrastructure;
Fire as a result of barbeques;
Impact on service such as water, sewerage etc.;
Contrary to the local plan;
Visual intrusion into the countryside;
Impact on ancient woodlands;
Impact on Sites of Special Scientific interest;
On site safety;
Contaminated land;
No consultation with locals took place;
Site within an area designated in the Minerals and Waste Local Plan; Impact on farming (vandalism and arson)

Noise, light and air pollution; and

Impact on the adjoining residential property

6.2 Kings Cliffe parish Council: No objection but makes the following comments:

They are concerned about the planned access route to the site and onto the site;

They would request that a survey be undertaken to assess the impact of the development on the environment;

They would request that a small shop selling basic foodstuffs is included on the site to reduce vehicle movements to/from the site;

They would request that the Glenn Miller Memorial is both retained and maintained.

6.3 Nassington Parish Council: Following due statutory notice, Nassington Parish Council considered this application during a full meeting of the parish council. The council has no objections to the proposals in the planning application but would urge the planning authority to take into account all the points made by members of the public and the appropriate representatives and agencies of statutory consultees.

6.4 Apethorpe Parish Meeting: Object: The proposed development is proposed to take place on a beautiful wild unspoilt area. I attach a photograph of the Green in summer demonstrating this. There does not appear to be a firm boundary to the site, and we are concerned of development creep.

The bridle path from Apethorpe to the Kings Cliffe - Wansford Road, runs immediately adjacent to the proposed site which is used regularly by local equestrians. The proposed entrance runs next to the bungalow near the Kings Cliffe industrial estate, the noise and light pollution would be considerable and would cause upset to the inhabitants.

The increase of traffic on the Kings Cliffe - Wansford road has already increased considerably since the development of the industrial site, and this further development will only make matters worse.

The site is close to dangerous deep quarry cuts and lakes which could be a safety problem for children and grown ups alike. The development company has said that it had a meeting with Apethorpe parish meeting. This is untrue; however they had sent their proposal to which I pointed out the above objections.

6.5 Wansford Parish Council: The Parish Council discussed the application at Parish Council meeting last evening. Concern was expressed on increased volume of traffic that would be created through the village; we already have traffic problems with vehicles going to and from the industrial estate. Litter would also be an issue; we are currently experiencing litter being thrown out of vehicles at top of Old Leicester Road as they come through the village. In view of the above the Wansford Parish Council are not in favour of this application.

6.6 Yarwell Parish Council: The stretch of road to and from the A47 is already very busy due to the industrial estate next to the proposed development, the additional traffic that a site such as this will create will put a strain on the road network. The planning
application states that a caravan park of 55 lodges and 9 glamping pitches will only create one job doesn’t appear to be correct, it seems like a huge amount of work for one person especially on change over days. We believe more staff will be required and this will create even more traffic to the site on a daily basis.

The application also suggests that they want to encourage cycling and walking on the local footpaths, footpaths by law are for pedestrians only and cycling should not take place. There is ancient woodland with an SSSI and it would be criminal for this to be ruined.

6.7 Northamptonshire Fire and Rescue: The Fire Service give general advice on specified matters in relation to planning applications via our "Fire and Rescue Pre-Application Information Advice and Guidance for Developers Designing New Residential and Commercial Development Schemes in Northamptonshire" guidance booklet. The aims of the document are to provide appropriate fire safety advice and to give guidance prior to the application of Building Regulations.

ENC are aware of the above document and should they require any further advice they may contact the Fire Service. With regard to your [an objector’s] specific concerns: The access requirements are highlighted and appropriate recommendations made within the Northamptonshire Highways submission which are the recommendation’s detailed in the Fire Service guidance above.

With regard to general fire safety, guidance is available and the appropriate precautions should be reflected in the Fire Risk Assessment.

6.8 Police Liaison Officer: Northamptonshire Police has no formal objection or comment to the planning application in its present form.

6.9 The Royal Society for the Protection of Birds: Thank you for consulting the RSPB about this application. We know that Northamptonshire Wildlife Trust is closely involved in discussions with the applicant and is likely to be submitting their own response shortly. We are also aware that Mr Richardson has raised some concerns on protected species issues. For clarification, our own comments here relate solely to the potential impacts of this proposal on birds, particularly breeding bird communities in the surrounding semi-natural ancient woodlands.

Based on the Ecological Appraisal and our own records and knowledge, we believe the Impacts of this proposal on breeding and wintering birds within the actual application site are likely to be negligible. We agree with the ecological consultant’s opinion in paragraphs 8.3.6 and 8.3.7 of the Ecological Appraisal that the proposals have the potential to increase human disturbance in sensitive semi-natural ancient woodland and grassland habitats adjacent to the application site. The Ecological Appraisal sets out a comprehensive set of mitigation proposals in section 8 to deal with this, which we welcome. However, some details of these proposals - their design, location and extent - remain to be determined.

For the above reasons, the RSPB does not wish to object to this proposal, but we do strongly recommend the inclusion of the following conditions with any planning permission. The application should not be approved without these measures, or in our opinion the applicant would be able to reduce or avoid a commitment to delivering on the full range of mitigation measures needed.

6.10 The Environment Agency: The Lead Local Flood Authority (LLFA) is now the statutory consultee for the management of surface water drainage for planning applications for major developments. Your Authority should therefore consult Northamptonshire County Council in their role as LLFA on this application.
Information for Applicant
Foul Water Drainage
Foul water is to be disposed of via a Sewage Treatment Plant (Hafren Water Flood Risk and Drainage Assessment (report reference: 18161FRA) dated April 2015). The Sewage Treatment Plant will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. The applicant is advised to contact the Environment Agency on number 03708 506 506 for further advice and to discuss the issues likely to be raised with a local Environment Officer.

Surface Water Drainage
Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas for fifty car park spaces or more and hardstanding should be passed through an oil interceptor designed to be compatible with the site being drained. Roof water must not pass through the interceptor.

6.11 North Northants Badger Group: No comments to make.

6.12 Natural England: The Wildlife and Countryside Act 1981 (as amended) The Conservation of Habitats and Species Regulations 2010 (as amended) Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection
This application is in close proximity to the Bedford Purlieu Site of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Protected species
We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing
Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006
The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Ancient Woodland
Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient woodland inventory. Natural England refers you to our Standing Advice on ancient woodland. https://www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences

Local sites
If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest
Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

6.13 The Woodland Trust: Proposal: Change of Use of Jacks Green at Rockingham Forest Park to provide for a range of tourist accommodation (caravan lodges and camping pitches), with supporting access infrastructure, hard standing bases with drainage and service provision, visitor facilities and landscape planting. Rockingham Forest Park, Wansford Road, Kings Cliffe, Northamptonshire

As the UK's leading woodland conservation charity, the Woodland Trust aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own over 1,250 sites across the UK, covering around 23,000 hectares (50,000 acres) and we have 500,000 members and supporters.

The Woodland Trust objects to the above application due to the damage it will cause to ancient woodland in respect of the access road, the siting of the lodges and the drainage and utilities infrastructure.

Ancient woodland: Ancient woodland in England is defined as an area that has been wooded continuously since at least 1600 AD and is a nationally important and threatened habitat. A rich habitat for wildlife, it is home to more species of conservation concern than any other terrestrial habitat. Ancient woodland sites are irreplaceable - the continuity of woodland has preserved historical and ecological features in a unique way. It is essential that this habitat is protected from development.
Ancient woodland is divided into ancient semi-natural woodland (ASNW) and plantations on ancient woodland sites (PAWS). The National Planning Policy Guidance confirms that "Both types should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework."

The importance of ancient woodlands as an irreplaceable habitat is set out in paragraph 118 (bullet 5) of the National Planning Policy Framework (NPPF) (2012), which states 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

Keepers of Time (2005) is a statement of policy for England's ancient and native woodland and veteran and ancient trees. It emphasises their value, evaluates threats and opportunities and sets out actions to improve their protection and quality. The Government Forestry & Woodlands Policy Statement (2013) confirms the Government's commitment to Keepers of Time. Keepers of Time recognises a number of threats to ancient woodland, making specific reference to the threat posed by development pressures:

'There are still occasions where native and ancient woodland is threatened by development, and many woods suffer attrition through incursions at their boundaries. Even if the woodland itself is protected, it can suffer serious disturbance where houses or roads are built right up to its margins, both directly from the impact of development, or indirectly through changes to drainage.'

The recently published (April 2014) Natural England Standing Advice for Ancient Woodland and Veteran Trees, paragraph 4.8.1 states: 'Ancient woodland is of prime ecological and landscape importance, providing a vital part of a rich and diverse countryside. In particular, ancient woodland:

- Is exceptionally rich in wildlife, and supports many rare and threatened species;
- May contain surviving descendants and features from the original natural forests;
- Acts as reservoirs from which wildlife can spread into new woodlands;
- Has valuable soils due to their undisturbed nature;
- Is an integral part of England's historic landscapes and the biological and visual functioning of a landscape;
- Contains a wealth of features of historical and archaeological importance little altered by modern cultivation or disturbance;
- Contributes to people's sense of place and imagination.'

The Standing Advice goes on to say that "The local planning authority should fully consider the assessment of impacts before deciding whether or not to grant planning permission. The Assessment Guide held on the Forestry Commission website can help record these impacts." The Assessment Guide's first question asks "Is the site of the ancient woodland the only possible place for this proposal? Does it have to be on the ancient woodland site (i.e. is it location dependent) or can it go anywhere else?"

Impact of this application on ancient woodland: Primary spine road. Part of the Primary Spine Road leading from the Kings Cliffe road to the site is bordered on the east by an area of Ancient Semi Natural Woodland called Great Byards Sale. The Planning
Statement refers to this being a 4m wide, gravelled road with passing places and a 15mph speed limit being in force. Page 17 of the statement makes the following assumptions on the number of vehicle movements:

Traffic Generation from Site Preparation and Construction Works

'Site engineering works and landscape works (for example, electricians, plumbers etc.) will result in 4 two-way vehicle movements per hardstanding base. Therefore, this will generate a total of 228 two-way vehicle movements.'

'All caravan lodges will arrive at Jacks Green on HGVs, with the largest unit size coming in two parts on 2 HGVs. This will generate a total of 128 two way vehicle movements.'

130 vehicle movements per changeover day by visitors when the site is in operation.

4 vehicle movements per week generated by staff and other maintenance services.

It was noted that the applicant had not calculated an estimate of the total number of two way vehicle movements made by visitors during their stay.

Ancient woodland and the habitats it supports are very vulnerable and the Trust is extremely concerned that this greatly increased use of Primary Spine Road will lead to damage to or loss of the woodland. In particular that manoeuvres occurring outside the designated passing places will lead to direct damage to overhanging branches, tree roots and the woodland floor at the edge of the woodland. In addition non adherence to the speed limit will increase indirect damage from vibration, dust and noise. The Trust is not satisfied that the applicant has demonstrated how the woodland edge along the spine road will be protected from this damage.

Buffering. The size of the proposed buffer along the northern and eastern boundaries of the site which adjoin Great Byards Sale and Fair Oak Sale is not given and so it is not possible to determine what protection the woodland will be afforded. Changing land use next to ancient woodland can have a large impact on that wood. Populations of plants and animals are exposed to the change in environmental conditions (e.g. humidity, temperature, soil pH) from the new development, and this effect increases in magnitude with increasing land use intensity. Many species within ancient woodland are adapted to the relatively unchanging conditions within ancient woodland. They are slow to react to change and are not able to adapt to the new, enforced conditions within the woodland. This can lead to more generalist species dominating the specialist woodland species.

The Woodland Trust is particularly concerned about the following:

Where woodland is readily accessible from nearby lodges, there is an unfortunate tendency for litter to be left in woodland; for occupiers and their pets to ingress into the woodland; for occupiers to collect their own firewood and builds dens or camp fires. This intensification of the recreational activity of humans and their pets also causes disturbance to the habitats of breeding birds and vegetation damage.

There can be changes to the hydrology altering ground water and surface water quantities. Also the introduction of water run offs from urban development will result in changes to the characteristics and quality of the surface water as a result of pollution/contamination etc.
Where the wood edge overhangs gardens, branches and even whole trees can be indiscriminately lopped or felled, causing reduction of the woodland canopy.

There will inevitably be a safety issues in respect of trees adjoining public areas and buildings, which will be threatening to the longer-term retention of such trees.

Natural England Standing Advice for Ancient Woodland and Veteran Trees (paragraph 6.4) states: "Development must be kept as far as possible from ancient woodland, with a buffer area maintained between the ancient woodland and any development boundary. An appropriate buffer area will depend on the local circumstances and the type of development. In a planning case in West Sussex the Secretary of State supported the arguments for a 15m buffer around the affected ancient woodland, but larger buffers may be required." 

In our view a development of this size requires a minimum buffer zone of 25 metres to properly protect the ancient woodland with a further increase to the buffer around the trees of high quality and value as identified in the arboricultural assessment. This buffer should be made up of at least 50% native tree cover which should be allowed to develop into a semi natural habitat. Around the trees of high value it should be maintained as scrub or grassland so that younger tree competition does not establish and compromise their crowns. These measures will help to protect the ancient woodland from the impacts of the adjacent development and are in line with the recommendations in the NPPF. In addition, a larger buffer will also increase the available habitat onsite helping to contribute to an increase in biodiversity locally as well as mitigating the impacts of this development.

We note from the executive summary of the ecological appraisal that the applicant is proposing: "A series of mitigation measures have been proposed to safeguard protected species and habitats within, and adjoining the application boundary. These include the installation of physical barriers, habitat manipulation and appointment of an Ecological Clerk of Works. Other mitigation measures to limit the ecological impact of visitors have also been proposed. These include the installation of signage and pathway creation to guide visitors away from ecological sensitive areas."

The Trust believes that these measure are insufficient and should include the requirement for visitors to the site to sign an agreement saying that no firewood will be collected form surrounding woodland and that all firewood will be provided by the applicant and that interpretation boards are provided along the edges of the woodland asking that firewood is not collected in the woodland and providing information why ancient woodland is important and that deadwood is an important habitat or food source for many species including invertebrates, fungi and lichens.

Drainage and Utilities. On page 9 of the Planning Statement, the applicant sets out proposals for drainage and utilities. In respect of surface and foul water it states that it will fall to the east of Jacks Green and enter an existing pond and watercourse respectively. The applicant has not confirmed the route of the drainage infrastructure and that Fair Oak Sale (ASNW) will be avoided. In addition the applicant has not identified the route of the underground electricity connection to a nearby supply to the north west of Jacks Green. The area to the northwest is Great Byards Sale (ASNW). If the utilities go through these areas, this will lead to the direct loss of ancient woodland.

In summary The Woodland Trust objects to the application unless the following are addressed:

Confirmation that traffic calming measures will be enforced during and post construction along the primary spine road to prevent damage to the adjoining woodland edge.
The establishment of a minimum 25m buffer zone between the development and all the areas of ancient woodland.

Confirmation that visitors to the site will be required to sign an agreement saying that no firewood will be collected from surrounding woodland and that all firewood will be provided by the applicant.

Provision of interpretation boards along the edges of the woodland asking that firewood is not collected in the woodland and providing details of ancient woodland, why it is important and why deadwood is an important habitat.

Confirmation that the routes of the utilities will not go through any areas of ancient woodland.

6.14 Campaign to Protect Rural England: CPRE are very concerned in respect of this application. Firstly it is of considerable size and in the open countryside, which is currently recognised as an area of special tranquillity. This would certainly appear to be directly in conflict with the Council's Plan for the area.

There is a signed public footpath running across the centre of the site, and a very well used path and bridleway along the edge of the site, although the application implies that no public rights of way are affected.

The application implies it is to provide a holiday facility but there is no provision for any holiday amenities on the site at all, and despite the very large number of chalets, and also hard standing sites for caravans, it proposes only one resident caretaker/manager. If the intention is truly for short term holiday lets this would certainly seem to be totally inadequate to cope with the work connected with continual coming and going of clients. Also the good control of a large holiday complex surely requires more than one man on to do it effectively.

Also in this respect with the lack of holiday facilities on the site people stating there will be most likely looking outside the site for entertainment. Such amenities are some distance away, and more over that would increase the number of movements along the very long and somewhat winding narrow access road considerably. As the Highways Authority has pointed out this is used by heavy lorries going to the rubbish tip, and as well the Kingscliffe-Wansford road is only a comparative minor one.

Looking at the plans for the chalets they could very easily become chalet homes rather than holiday stays, and we are very concerned that this could follow a pattern which CPRE has witnessed in other parts of the country where something intended in the original application as a holiday provision soon starts extending the lengths of lets and becomes a residential site rather than a holiday location. Our experience elsewhere seems to show that once permission has been given, the local authority finds it very difficult to prevent this happening. Certainly a residential site of that kind in the open countryside is completely outside the existing local plan provision.

6.15 Environmental Protection Officer: I have looked through the file for this application for a range of tourist accommodation and leisure use. The site although now naturalised was part of the old military airfield and is adjacent to an active/closed landfill site. There is the possibility of contamination being present from the former use. Airfield building was present in this area. Also there may be a potential risk from landfill gas migrating from the adjacent landfill site.

The planning application must be assessed in line with the National Planning Policy Framework (NPPF). Under the NPPF soil contamination is a material planning consideration and the framework seeks to prevent unacceptable risks from pollution and to ensure that development be appropriate to its location. Where a site is affected
by contamination the responsibility for securing a safe development rests with the developer and/or landowner.

No environmental information has been submitted in support of the planning application. However, it is doubtful if our knowledge of the site would be greatly improved if a Phase I study had been submitted in support of the application. Given this it is considered that measures can be secured through the use of planning conditions to ensure the development can be safely delivered.

Therefore, whilst we have no objection to this planning application conditions should be placed on the permission, if granted, to investigate and remediate contamination as necessary. Further to this any environmental report submitted to the Local Planning Authority should be mindful of Section 121 of the NPPF which seeks to ensure that site investigation information is prepared by a competent person.

6.16 Planning Policy: The application proposal (Rockingham Forest Park Ltd) relates to the development of a new tourism development at Jack's Green, consisting of 55 No 2-4 bedroom log cabins. These are proposed to be built in an area of open land adjacent to the Glenn Miller Memorial, between the Great Byards Sale, Fair Oak Sale and Great Morton Sale woods. It is noted that this scheme is a much reduced scale version of a previous 275ha scheme put forward in 2010.

The site is an open countryside location, adjacent to designated ancient woodlands. It is also adjacent to the former King's Cliffe airfield and Glenn Miller Memorial; both sites with 20th Century historic interest. The proposal gives rise to a specific planning policy question regarding the principle of development, i.e. could this application for the development of a new Rockingham Forest Park (55 No log cabins in open countryside), be supported given the current policy framework relating to the Rural North of the district?

When assessing the proposal, a number of key issues will need to be considered, in respect of:

National Planning Policy Framework (NPPF)

Adopted Local Plan - North Northamptonshire Core Spatial Strategy (CSS), adopted June 2008 and Rural North, Oundle and Thrapston Plan (RNOTP), adopted July 2011

Emerging replacement Local Plan - North Northamptonshire Pre-Submission Draft Joint Core Strategy (JCS) review, January 2015

Non-statutory policies

National Planning Policy Framework (adopted March 2012)

The NPPF defines national policy regarding the role of the planning system, "...to contribute to the achievement of sustainable development" (paragraph 6). This emphasises the functions of the planning system, including: "contributing to building a strong, responsive and competitive economy" (paragraph 7, economic role) and "contributing to protecting and enhancing our natural, built and historic environment" (paragraph 7, environmental role). Of particular relevance in this case, the NPPF also highlights that these roles "...are mutually dependent. Economic growth can secure higher social and environmental standards" (paragraph 8).

The NPPF also specifies 12 "Core planning principles" (paragraph 17), including that "planning should...proactively drive and support sustainable economic development"; while "recognising the intrinsic character and beauty of the countryside and supporting
thriving rural communities within it". However, the NPPF is unequivocally supportive of "sustainable economic growth", stating that: "Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system" (paragraph 19).

Regarding rural economic growth, the NPPF also directs that plans should "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings" (paragraph 28). Of particular relevance in this case, the NPPF also contains a specific requirement, to "support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres" (paragraph 28).

Overall, the NPPF overwhelmingly supports, in principle, the development of rural tourism and leisure facilities. This specifically includes tourist accommodation, where this is appropriately situated. A more detailed analysis is therefore necessary, in order to determine whether the proposed location is appropriate for the scheme.

North Northamptonshire Core Spatial Strategy (adopted June 2008)

The NPPF reiterates the statutory status of the development plan as the starting point for decision making (paragraph 12). The CSS (strategic element of the adopted Local Plan) contains a number of policies which are relevant to the application.

Policy 5 states that: "A net gain in green infrastructure will be sought through the protection and enhancement of assets and the creation of new multifunctional areas of green space that promote recreation and tourism, public access, green education, biodiversity, water management, the protection and enhancement of the local landscape and historic assets and mitigation of climate change, along with green economic uses and sustainable land management". The application proposal has the potential to deliver many of these outcomes.

Fineshade Wood/ Top Lodge, is situated within the defined King's Cliffe - Wansford Local green infrastructure corridor (Figure 9). Policy 5 explains that: "Development will contribute towards the establishment, enhancement or ongoing management of...local corridors". The application proposal could undoubtedly contribute towards the enhancement of the King's Cliffe - Wansford Local corridor.

Policy 11 provides further direction regarding rural economic development. This requires that: "Within the rural areas, new employment development will be directed to the rural and local service centres" (Policy 11(g)). The application site is situated approximately 15km (by road) from the nearest urban centres (Stamford and Oundle). However, it is connected (4km walking/ cycling distance) via Public Footpath NE9 to the defined local service centre (King's Cliffe). Arguably, the proposal could boost the local services and facilities at King's Cliffe, through creating a potential new tourist customer base.

Finally, CSS Policy 13 states that development should "promote healthier lifestyles and for people to be active outside their homes and place of work" (Policy 13(j)). It may be argued that the proposal for recreational based tourism may help to deliver this outcome.

Overall, the proposed scheme fulfills most of the relevant policy criteria in the CSS. While questions may be raised regarding its situation in relation to King's Cliffe (and, therefore, compliance to the spatial development criteria within Policy 11(g)), it must be
noted that the development would have a direct off-road connection with that local service centre. As such, it is considered that the scheme would fulfil the spirit of CSS policies 11(g) and 13(f).

Rural North, Oundle and Thrapston Plan (adopted July 2011)

The review of the proposed development against relevant CSS policies has revealed possible questions regarding its compliance to the spatial development criteria contained within Policy 11(g). Furthermore, CSS Policy 9 states that: "New building development in the open countryside...will be strictly controlled". In this case, the application site must be regarded as "open countryside", although it is connected off-road, via Public Rights of Way, to surrounding villages; Apethorpe, King's Cliffe, Nassington, Wansford and Yarwell, all within 3-5km walking/ cycling distance.

While it may be questioned whether the principle of new build development at Jack's Green, would accord with the spatial development strategy for the Rural North, consideration must be given to the overall RNOTP Vision. This states that: "The Rural North...area will be distinctive and successful, with local businesses supported and the local economy diversified and strengthened. There will be a strong focus on tourism, leisure and green infrastructure, alongside the protection and enhancement of the area's landscape character and its valuable built and natural environment".

Overall, it must be concluded that the adopted Local Plan (particularly CSS policies 9 and 11) expresses a preference for new tourist related development to be directed to the rural and local service centres. However, the overall RNOTP Vision places a strong emphasis upon supporting tourism or leisure related development in the Rural North. Furthermore, it must be noted that the application site is closely related to both King's Cliffe and Nassington; the defined local and smaller service centres for the Rural North area (RNOTP Policy 1(2) and 1(3) respectively).

North Northamptonshire Pre-Submission Draft Joint Core Strategy (JCS) review, January 2015

The Pre-Submission Draft (PSD) JCS review (replacement Part 1 Local Plan) was approved for consultation by the North Northamptonshire Joint Planning Committee on 18 December 2014, subject to a small number of minor changes. The final version of the PSD JCS will be published by 25 January 2015, in time for the forthcoming statutory consultation (26 January - 9 March 2015).

The new JCS, when adopted, will wholly supersede the 2008 CSS, and a small number of policies in the new Plan will also replace those in the RNOTP. Specifically in this case, it should be noted that the application site is situated adjacent to the proposed "Wooded Limestone Hills and Valleys" area of tranquillity. JCS Policy 3 requires that: "Development should... preserve tranquility within the King's Cliffe Hills and Valleys Landscape Character Area (as shown on the Policy Map) by minimising light and noise pollution and minimising the visual and traffic impacts of development" (Policy 3(f)).

In order for the scheme to be acceptable, it must fulfil all of the relevant JCS Policy 3 criteria. The need to give consideration to the new JCS will have significant implications for the future consideration of tourism related developments such as the Rockingham Forest Park scheme.

Non-statutory policies

East Northamptonshire Council's corporate policies are relevant considerations in determining the application proposal. The Corporate Plan 2011-15 specifies "Regeneration and economic development" as a top priority outcome. Specifically, the Corporate Plan emphasises that the Council will: "Provide a business-friendly planning..."
service, within the constraints of planning policy, designed to make it as easy as possible for companies to set up or expand" (paragraph 3.1). In this regard, therefore, the Council should generally be seeking to approve applications of this nature.

Reference should also be made to the Economic Development and Tourism Strategy 2013-16 (EDTS). The EDTS reiterates the need for the Council to provide business-friendly council services (paragraph 1.5). Furthermore, the EDTS includes the following observations, which are especially relevant in this case:

"Tourism makes a major contribution towards the economic well-being and quality of life of the communities and businesses in the rural areas" (paragraph 3.2.7); and
"Our collective role will be to support businesses looking to set up or grow in East Northamptonshire" (paragraph 4.4.1).

Overall, the Corporate Plan and EDTS both emphasise the need to work to support business development across East Northamptonshire, as far as possible.

Overview and conclusions

The policy assessment above reveals that the application proposal is supported by many aspects of the NPPF (national policy) and the adopted Local Plan (i.e. the CSS and RNOTP). However, it must be noted that the scheme involves the development of a significant number of new build tourist accommodation units (Log cabins) at Jack's Green.

It is therefore necessary to consider whether the proposal accords with relevant policies in the adopted Local Plan, which emphasise a preference for new build developments to be located at established rural or local service centres. The policy review reveals that the proposed development could fulfil many aspects of national and local policy, through enabling:

"...provision and expansion of tourist and visitor facilities in appropriate locations" (NPPF paragraph 28) - In this case, the proposal is arguably appropriately located, being an established tourism and recreational hub;

Contribution "...towards the establishment, enhancement or ongoing management" (CSS Policy 5) of green infrastructure corridors; and

"...a strong focus on tourism, leisure and green infrastructure" (RNOTP Vision).

Nevertheless, the Planning Policy assessment has revealed one aspect of possible conflict with the adopted Local Plan, insofar as: "New building development in the open countryside...will be strictly controlled" (CSS Policy 9) and: "Within the rural areas, new employment development will be directed to the rural and local service centres" (Policy 11(g)). The emerging JCS Policy 3 landscape criteria will also be a significant consideration, specifically the need to preserve tranquility around the application site. Such detailed policy criteria must, however, be considered in their broader context; i.e. the adopted (current) Local Plan Vision and Outcomes. The RNOTP and East Northamptonshire Economic Development and Tourism Strategy 2013-16 both emphasise the importance of tourism to the local economy.

The NPPF states that significant weight should be placed on the need to support economic growth through the planning system; and that LPAs ought to promote the development of land-based rural businesses. The NPPF represents some change from former national policy and states that "plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings".
Relevant national, Local Plan and corporate policies are overwhelmingly supportive towards the proposal, provided that the applicant can demonstrate that the scheme would not adversely affect the tranquillity (i.e. light, noise, visual and traffic) of the adjacent ancient woodlands (King's Cliffe Hills and Valleys Landscape Character Area). Overall, there are no Planning Policy objections, in respect of the principle of development provided that the applicant can demonstrate compliance with emerging JCS Policy 3(f).

6.17 Environmental Protection Officer: I have looked through information submitted in support of this application for a range of tourist accommodation and leisure use at the site. There does not appear to be any significant noise issues emanating from the use of the caravan park as it is some considerable distance from any sensitive receptor. The proposed access road does pass quite close to an existing residential property, The Framples on Wansford Road.

Looking through the predicted traffic flows that will result from the development it is predicted that peak flow on changeover day will be 110 vehicle movements. Between 07.00 and 19.00 hours. The vehicles will use an existing access road into the site. It may be preferable if vehicles could us the more direct existing access nearer to the industrial area. However, this may bring tourist traffic into conflict with other users of the road. I would suggest this is proposed to the applicant as I note concerns have been raised about noise from traffic using the proposed access.

Notwithstanding the above, and given the number of vehicle movements, the slow speed they will be travelling, a site wide 15mph limit is proposed; noise from traffic entering and leaving the site should not significantly impact on the nearest sensitive receptor. Therefore, we have no objection in this respect. However, the applicant has suggested that a bund is installed along the access road nearest to The Framples and we would encourage this.

I note the Environment Agency has concerns about the provisions made for disposal of foul sewage from the development. I would suggest this matter is dealt with by way of planning conditions that requires submission and agreement for this. The Environment Agency’s preference is the installation of a package sewage treatment works.

As an informative the applicant should be made aware that should permission be granted the applicant will be required to apply for a caravan site licence under the caravan sites and control of development act 1960.

6.18 Senior Tree and Landscape Officer: As part of my assessment of the application I have looked at the arboricultural and landscaped based impacts of the scheme. While the site contains no statutorily protected trees, woodland areas around the site are designated as Ancient Semi Nature Woodland, an important designation in itself. Having reviewed the proposals, I have some concern regarding the impact of the proposed development on the woodland edge.

Arboricultural and woodland based comments: As part of the application a tree survey and initial tree constraints plan has been submitted, as noted above much of the surrounding woodland is designated as Ancient Semi Natural Woodland. The survey details that the majority of the woodland edge is comprised of mature Oak, classified as predominantly category B trees under the British Standard. Those at the centre of the site are more varied in their species composition and retention category, many of which are self set.

While a good level of detail is provided regarding the trees on the woodland edge, unfortunately no arboricultural information is submitted in relation to any trees that may be affected by the access road. I would advise that this is submitted where relevant.
While I note that the layout plan shows a broad indication of trees, no tree constraints have been overlaid onto a site layout plan to show in detail the relationship between the exiting woodland edge and the new lodges. I would advise that survey details are submitted from any trees within proximity to the access road and a layout show tree constraints is supplied. A condition regarding these matters is therefore suggested.

On the basis of the information submitted at present, I do have concerns at this stage regarding the close proximity of the woodland edge to the proposed lodges. The northern edge of the site is noted to be close with a limited buffer area of mitigation planting. However, this could be overcome through the imposition of conditions regarding siting of the lodges, tree protection measures, buffer zones and additional landscaping plans.

Landscape implications: While the impact of the proposal on the wider landscape is limited, the character of the open area between the woodland areas will be affected by the development. However, all development has an impact and whether this impact is unacceptable is the key in determining landscape and visual impact. The site currently retains an open character, with a certain degree of enclosure due to the surrounding woodland. Therefore, the visual impact is limited. The contrast between these enclosed and open spaces is partly what creates the character of the site. I also realise that any impact has to be balanced against the need to promote tourism facilities and accommodation within the district.

To mitigate against this a landscape strategy has been submitted with the application, however I do not believe it goes sufficiently far enough to mitigate against the impacts. Limited "buffer" planting is shown as part of the strategy, with the introduction of features such as hedges which do not currently form part of the sites character. Again, I suggest conditions requiring the submission of additional landscaping and mitigation details.

A long avenue style feature is proposed to the existing house, however I would suggest that this is not a bold enough feature to work on a visual basis. With regards to species proposed, I would refer to the comments of ecological specialist.

6.19 The Forestry Commission: The Forestry Commission is the Government Department with responsibility for trees and woodland. As a Department it would not be appropriate for the Forestry Commission to object to, or indeed support, planning proposals. Our role is to highlight Government policy within our remit.

Given the time constraints it has not been possible to undertake a site inspection. However from maps and aerial photographs available to us it strongly suggests that this planning proposal would on adjacent ancient and semi-natural woodland. "Ancient Woodlands" are classified as those that have been continuously wooded since at least 1600 and consist of site native species of trees and shrubs. They are the closest to truly natural woodlands that exist in Great Britain, having been managed by traditional and sustainable means and as such are irreplaceable ecological and cultural assets.

There are a number of Government policies that relate to the development of ancient woodland:

The UK Forestry Standard ("the government's approach to sustainable forest management", Forestry Commission 2011) states that, "the overarching policy for the sustainable management of forests, woodlands and trees at a UK level is a presumption against the conversion of forest land to other land uses - unless there are compelling reasons in the public interest for doing so.

Natural Environment and Rural Communities Act 2006 Section 40 - "Every public authority must, in exercising its functions, have regard, so far as is
consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

National Planning Policy Framework (2012) Paragraph 118 - "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss"

Keepers of Time - A Statement of Policy for England's Ancient and Native Woodland (2005) Page 10 "The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland"

Natural Environment White Paper "The Natural Choice" (2011) Paragraph 2.53. This has a "renewed commitment to conserving and restoring ancient woodlands". Paragraph 2.56 - "The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites"

6.20 The Wildlife Trust: No objection subject to conditions.

6.21 NCC Highways: No objection subject to conditions.

6.22 Historic England: We will not be assessing the Jack's Green development site. This part of the site was submitted as a separate application to us, but we rejected it at the earliest stage as it did not meet our initial criteria for archaeological or historic interest.

7. Evaluation
7.1 Policy Position

7.2 The National Planning Policy Framework

7.3 The NPPF identifies the 12 core planning principles at paragraph 17, and states that, "planning should... proactively drive and support sustainable economic development"; while "recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".

7.4 The NPPF is supportive of "sustainable economic growth", stating at paragraph 19 that, "Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

7.5 Regarding rural economic growth, the NPPF also directs at paragraph 28 that plans should "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings".

7.6 Of particular relevance in this case, the NPPF also contains a specific requirement at paragraph 28 to;

"support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres"

7.7 Paragraph 118 of the NPPF seeks to conserve and enhance the natural environment and states that,
When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

opportunities to incorporate biodiversity in and around developments should be encouraged;

planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

the following wildlife sites should be given the same protection as European sites:

potential Special Protection Areas and possible Special Areas of Conservation;

listed or proposed Ramsar sites; and

sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

7.8 The thrust of paragraph 118 aims to reduce the likelihood of harm to statutorily protected sites such as SSSI's. However, it does make it clear that development resulting in the loss or deterioration of irreplaceable habitats should be refused.

7.9 In this case, while the site is not statutorily protected or considered an irreplaceable habitat, the applicant has sought to reduce its impact on habitats at the site. This has been achieved by ensuring that none of the development extends into the surrounding ancient woodlands.

7.10 It is considered that the development would not have a detrimental impact on the habitats at the site and would comply with paragraph 118 of the NPPF which also overwhelmingly supports, in principle, the expansion of rural tourism and leisure facilities. This specifically includes tourist accommodation, where this is appropriately situated, as is the case at Jack's Green.

7.11 The North Northamptonshire Core Spatial Strategy (CSS)
7.12 Policy 5 of the CSS states that,

"A net gain in green infrastructure will be sought through the protection and enhancement of assets and the creation of new multifunctional areas of green space that promote recreation and tourism, public access, green education, biodiversity, water management, the protection and enhancement of the local landscape and historic assets and mitigation of climate change, along with green economic uses and sustainable land management".

7.13 Figure 9 of the CSS identifies the site as being situated on the kings Cliffe - Wansford Local corridor. Policy 5 explains that for the local corridor, Policy 5 states that: "Development will contribute towards the establishment, enhancement or ongoing management of...local corridors".

7.14 Policy 11 provides further direction regarding rural economic development. This requires that: "Within the rural areas, new employment development will be directed to the rural and local service centres" (Policy 11(g)). The application site is situated 13km from the nearest urban centre (Stamford). However, it is just 4km from the defined local service centre at King’s Cliffe. Finally, CSS Policy 13 states that development should "promote healthier lifestyles and for people to be active outside their homes and place of work" (Policy 13(j)).

7.15 Overall, it is considered that the proposed scheme fulfils most of the relevant policy Cliffe (and, therefore, compliance to the spatial development criteria within Policy 11(g)), it must be noted that the development would have a direct off-road connection with that local service centre. As such, it is considered that the scheme would fulfil the spirit of CSS policies 11(g) and 13(f).

7.16 The Rural North, Oundle and Thrapston Plan (RNOTP)

7.17 Policy 10 of the RNOTP seeks to ensure that, "Development that may destroy or affect adversely (either directly or indirectly) a designated or proposed Local Nature Reserve or other Local Site, will not be permitted unless planning conditions or obligations secure practicable, effective and appropriate mitigating measures."

7.18 For Jack’s Green, the overall spatial strategy explains at Policy 1 that, "Development opportunities...for housing, employment or community facilities include the re-use and conversion of buildings within and adjacent to villages". As with the CSS, the RNOTP implies that the re-use of buildings is preferable to new development in village or open countryside locations.

7.19 While it may be questioned whether the principle of new build development at Jack’s Green, would accord with the spatial development strategy for Kings Cliffe, consideration must be given to the overall RNOTP Vision. This states that: "The Rural North...area will be distinctive and successful, with local businesses supported and the local economy diversified and strengthened. There will be a strong focus on tourism, leisure and green infrastructure, alongside the protection and enhancement of the area’s landscape character and its valuable built and natural environment".

7.20 Overall, it must be unequivocally concluded that the Local Plan (i.e. CSS Policy 11 and RNOTP Policy 1) expresses a preference for new tourist related development to be directed to the rural and local service centres. However, the overall "Vision" of the RNOTP places a strong emphasis upon supporting tourism or leisure related development. Furthermore, it must be noted that the application site is closely related to King’s Cliffe, the nearby local service centre for the Rural North area and within an area currently used for recreational and tourism purposes.

7.21 Moreover, Planning Policy raise no objection to the proposal and conclude that,
"Overall, relevant national, Local Plan and corporate policies are overwhelmingly supportive towards the proposal."

7.22 Ancient Woodlands

7.23 The woods surrounding the site are designated as an ancient woodland. The Woodland Trust defines an Ancient Woodland as,

"For the practical purpose of identifying ancient woodland, a threshold date of 1600AD is used (1750AD in Scotland), as this is when good maps began to be available, and pre-dates the time when planting became common. Some ancient woods may even link back to the original wild-wood that covered the UK around 10,000 years ago, after the last ice Age. Yet ancient woodland covers only around 2 per cent of the land area of the UK, and needs to be protected."

7.24 Although an Ancient Woodland has no statutory protection, the NPPF states at paragraph 118 that,

"...planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss"

7.25 In addition, the whole of the site is designated as a Local Wildlife Site (LWS) within the RNOTP. Policy 10 of the RNOTP seeks to ensure that development that destroys or adversely affects a local site will not be permitted unless effective and appropriate mitigating measures are provided.

7.26 It must be made clear that Jack's Green is designated as a Local Wildlife Site/Ancient Woodland and not a Local Nature Reserve. Appendix 4 of the RNOTP clarifies Nature Conservation Designations and confirms that Local Sites of Conservation Interest (i.e. other Local Sites as stated within Policy 10) and Ancient Woodland are Non-Statutory Designations. Local Sites are sites of local importance for nature conservation but are not legally protected. None of the development proposed is within the Ancient Woodland at Jack's Green.

7.27 In addition, a LNR, LWS and Ancient Woodland are not "sensitive areas" as defined within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (The Regulations).

7.28 Government Forestry and Woodlands Policy Statement January 2013

7.29 Current Government Policy as set out with the above document states that,

"England's trees, woods and forests are a vital national asset providing multiple economic, social and environmental benefits. Our objective is to ensure that this asset is protected, managed and enhanced so that these benefits can be both maximised now and realised in the future. Our forestry policy is, therefore, based on resilience. This means a forestry sector and woodland resource that keep growing, providing these multiple benefits; are financially sustainable and affordable; and are well equipped to respond to existing and future threats.

To achieve this, everything we do must be focused on achieving the following key objectives, in priority order:

Protecting the nation's trees, woodlands and forests from increasing threats such as pests, diseases and climate change,
Improving their resilience to these threats and their contribution to economic
growth, people's lives and nature,

Expanding them to increase further their economic, social and environmental
value."

7.30 In addition, under the heading "Access and Recreation" on page 17 of the document, it
states that,

"We want as many people as possible to be able to access green space,
including woodlands, for exercise, leisure and recreational purposes and, in
particular, we are keen to see greater multi-use access to woodland in and
around our towns and cities. We will work with others to explore opportunities for
increasing access."

7.31 It is clear that current policy regarding woodlands and forests is not only the protection
of trees, but also realising the potential to expand their economic, social and
environmental value.

7.32 The Town and Country Planning (Environmental Impact Assessment) Regulations
2011 (The Regulations)

7.33 Several comments have been made by statutory consultees and objectors alike, that
the proposal should have been the subject of an Environmental Impact Assessment
and as a result, an Environmental Statement should have been submitted in support of
the application.

7.34 If an application falls within the categories of development set out in Schedule 2 of the
EIA Regulations and either (a) meets or exceeds the size thresholds or (b) is within a
sensitive area, a screening opinion is a mandatory requirement to assess whether a
development is "EIA" or not. In assessing the proposed development, it exceeded the
threshold at 12(c) of Schedule 2 of the Regulations.

7.35 As a result a screening opinion was undertaken and the development was assessed
against the criteria as set out within Schedule 3 of the Regulations. Schedule 3
considers the characteristics of the development, the location of the development and
the potential impact of the development. Officers took the view that the proposed
development is not particularly complex and is not site within a sensitive area, as
defined by the Regulations, and therefore, the development was not "EIA" and an
Environmental Statement was not required. A negative screening opinion was issued
on 24th June 2014.

7.36 An objector disagreed with the Council's screening opinion and referred the matter to
the Secretary of State under regulation 4(8) of the EIA Regulations. The Secretary of
State considered the proposal and confirmed in his letter of 9th March 2015, that he
agreed with the Council that the proposed development is not "EIA development" within
the meaning of the 2011 Regulations.

7.37 Impact on Heritage Assets

7.38 Several comments have also been received regarding the areas historical and
archaeological heritage. It is widely known that Glenn Miller performed his last hanger
concert at Kings Cliffe airfield when the USAF were stationed there during World War
Two. A modest memorial to this effect has been erected at the site.

7.39 An objector contacted Historic England regarding the cultural and historic background
to the site and requested that they investigate further. Remnants and buildings of
Kings Cliffe airfield used during World War Two remain on site.
7.40 Historic England undertook a survey and confirmed that the site for the proposed development at Jack's Green was rejected at an early stage as it did not meet their initial criteria for archaeological or historic interest. The County Archaeologist also agrees that the impact of the proposed application in its current form can be dealt with by condition.

7.41 It must also be made clear that the memorial erected for Glenn Miller will not be moved and access to it remains unrestricted.

7.42 The Proposal

7.43 The proposal seeks to change the use of the land at Jack's Green from grassland to tourist use with the provision of 56 hardstanding bases for 55 mobile home style lodges and a site office and information point. A further 9 camping pitches will also be provided. In order to facilitate the change of use an internal primary spine road and hard surfaced passing bays will be provided together with a surfaced secondary access tracks within Jack's Green.

7.44 Underground drainage and services infrastructure will be provided along with lighting along the internal primary spine road and within Jacks Green. Landscape planting along the internal primary spine road and throughout Jacks Green is also proposed.

7.45 The central spine road would dissect the site which follows the line of a public footpath. The lodges would be sited north and south of the spine road to form 5 main clusters. The camping pitches would be sited south of the spine road. The lodges will be provided with parking for each site. A parking area is also provided for the camping pitches.

7.46 The site would provide 55 lodges as follows:

- 9 x 4 bedroom unit (13.7m x 6m x 3.8m)
- 30 x 3 bedroom unit (12m x 6m x 3.8m)
- 16 x 2 bedroom unit (12m x 4.8m x 3.8m)

7.47 From the Design and Access Statement (DAS) the applicant confirms that each lodge will be clad in a natural timber or timber based material under a tiled pitched roof and will be chosen from a natural colour palette appropriate to the surroundings. The material, colour and finish will be agreed with the Local Planning Authority. All lodges will be built to the caravan standard BS3632 and will be in keeping with the surrounding landscape.

7.48 The DAS also confirms that the primary spine road and secondary access roads will be dressed in loose bound gravel to maintain their rural appearance. Footpaths within Jacks Green which provide access to each lodge and car parking areas will also be surfaced in loose bound gravel. Other informal footpaths will be surfaced in hoggin, bark or similar. None of the roads will have a tarmacadam finish. The bin store and gas tank stores will be surrounded on all sides with a timber fence and landscape planting.

7.49 Staff Accommodation

7.50 Jack's Green Cottage is an existing two storey dwelling located in the northern corner of the site and will provide accommodation for the manager of the site. No other staff accommodation is proposed.

7.51 Trees
7.52 The development will provide an avenue of free standing native trees to be planted through the middle of Jacks Green to create an extension of the historic avenue towards Jacks Green Cottage. Around each of the lodges and camping structures, native shrubs will be planted and grassland mowing regimes adopted for biodiversity benefits. The applicant also confirms that additional elements will include the planting of a green corridor along the primary spine road and existing public right of way, free standing trees to be planted in clusters throughout Jacks Green and the planting of signature trees to form bat roosts or create attractive features.

7.53 To the south of Jacks Green, around the proposed camping pitches, there will be selective removal or replacement of existing scrub with native species, a new native hedgerow and additional tree planting with broadleaved trees such as oak and lime. There will be new hedgerows planted around the southern, western and eastern boundaries of the development, providing green corridors for bats, mammals and dormouse, and providing opportunities for tree nesting birds and overwintering amphibians and reptiles. These hedgerows will vary in height and width, and in some places will be laid to maintain views across Jacks Green and provide structural diversity.

7.54 The Senior Tree and Landscape Officer has assessed the proposal and raises some concerns regarding the impact of the access on trees and the relationship between the lodges and trees. As a result, conditions are proposed that require a tree constraints plan, tree protection measures and buffer zones. The access is existing and will not be altered as a result of the proposal. Passing places will be constructed outside of the woodland areas.

7.55 Ecology and biodiversity

7.56 The Wildlife Trust, acting as ecological advisors to the Council, have attended a series of meetings with the applicant’s ecologist and confirm that they do not object to the proposal, subject to various conditions. These conditions are considered acceptable and will cover all aspects of ecology and biodiversity.

7.57 Highways and Parking

7.58 Following the submission of amended drawings, the County Council as Local Highway Authority are satisfied that the access and parking areas are acceptable.

7.59 Landscape and Visual Impact Assessment

7.60 The Senior Tree and Landscape Officer has raised some concerns regarding the impact of the development on the character of the site. Clearly there going to be an impact on the character of the site, but this has to be balanced against the policy support for the provision of tourist facilities and accommodation and its impact on the local economy in terms of employment.

7.61 In this instance, the visual impact will be limited to the site as the existing topography and landscaping shields the development from distant views. Moreover, notwithstanding the landscaping proposed, an additional landscaping scheme would be required to the satisfaction of the Senior Tree and Landscape Officer. Landscaping should include appropriate mitigation and buffer zones.

7.62 Therefore, while the development will undoubtedly impact on the landscape, it is considered that this is outweighed by the local and national policy which seeks to promote prosperous rural economies through sustainable tourism.

7.63 Impact on Public Rights of Way/Bridleways
7.64 A public right of way NM20 crosses the site and bridleway NM30 lies on the southern boundary of the site. Neither of these will be altered, blocked or diverted as a result of the proposal and will remain open for public use at all times.

7.65 Impact on Neighbours

7.65 There is one residential property, The Framples, which is located some 75m west of the access road. Concern has been raised by the owner that the additional traffic would be an unacceptable noise nuisance and as a result, permission should be refused.

7.66 The application proposes a bund on the bend of the access where it is closest to The Framples. This would mitigate against any noise (and headlight) intrusion. In addition, the Environmental Health Officer also comments that noise from traffic entering and leaving the site should not significantly impact on the nearest sensitive receptor and has no objection in this respect.

8 Other issues

8.1 In addition to the matters considered in determining this application, objectors have raised several other material planning considerations such as:

- Site will become a travellers site: The site access is gated for vehicles. There is no evidence to suggest that the site will become a travellers site.

- Pressure on local infrastructure: Comments have been made that local infrastructure such as doctors, schools etc. will have undue pressure placed upon them as a result of the development. However, there is no substantive evidence that this would be the case.

- Impact on Sites of Special Scientific interest; The site is not a SSSI

- Contaminated land; The Environmental Health Officer has recommended conditions to remediate contamination if required.

- No consultation with locals took place; this was a matter for the applicant to consider. The application was advertised appropriately.

- Site within an area designated in the Minerals and Waste Local Plan; this does not preclude the development from occurring.

- Impact on farming (vandalism and arson); No evidence to suggest that this would occur;

- Noise, light and air pollution; The Environmental Health Officer is satisfied with the development in this regard.

9 Conclusion

9.1 The "Vision and Outcomes" of the Rural North, Oundle and Thrapston Plan seeks a "net gain in green infrastructure through the creation of new walking and cycling routes, linking biodiversity, leisure and tourism assets." This vision is supported by Policy 5 of the Core Spatial Strategy and the National Planning Policy Framework.

9.2 Officers are supportive of the development and recognise that the site can offer a unique visitor destination and experience. It is clear that there is an overwhelming policy support for the development. The proposal is therefore considered to be in accordance with the Core Spatial Strategy, the Rural North Oundle and Thrapston Local Plan and the National Planning Policy Framework and is recommended for
10 Recommendation
10.1 That permission is GRANTED subject to the following conditions.

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with 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 be carried out in strict accordance with the drawings and documents submitted in support of the application as follows:

Planning Statement Final 141117
R008-01 Sustainable Design Checklist
14-0958 Rockingham Forest Park Ecological Appraisal v4 JW 260814 and Appendices 1-8
14-1015 Desk Study Data & 14-1016 Notable Species Records Jan 14_red
R008-01 Crime Impact Statement
R008-01 Validation Letter 141209
14-1884 Rockingham Forest Park arboricultural statement v3 NB 151214 (combined)
R008-01 Statement of Clarification 150514 and Appendices
Appendix 1 Rockingham Forest Park Accessibility Report V2 14-04-15
Appendix 2 HA Jacks' Green 100415 txt & ills red
Appendix 3 1816-FRA FINAL (Apr 15) complete
Appendix 4 14-2620 GI Supporting Note RFP v4 JW 180315; 14-2688 Supporting Statement for Other Environmental Consultees V4 120515; D13-3234 Rev 5
LANDSCAPE STRATEGY DESIGN AB290414; D14-2621 GI Supporting Plan RFP V3 JW 060315; M14-3195 Grassland Enhancement Plan v1 SM010515; M15-0010 Construction Exclusion Plan v2 SM 100515.
15-0690 V2 070715 Further Information for Northamptonshire Wildlife Trust.
502-01B Rockingham Forest Site Location Plan a
502-02B Rockingham Forest Lodges Plan a
502-03 Caravan types a
D13-3234 Rev 4 LANDSCAPE STRATEGY DESIGN AB290414-1
GPP-RFP-JG-14-01 Site Location Plan
GPP-RFP-JG-14-02 v3 Site Plan
GPP-RFP-JG-14-04 Existing Site Plan
GPP-RFP-JG-14-05 Site Context Plan REDUCED SIZE
GPP-RFP-JQ-14-07 Visibility Splay Improvement Works 08102015_A3
Visibility splays 004
   Reason: To clarify the terms of this permission.

3. The open space and landscaping of the site shall be carried out in accordance with the principles set out in both the "Landscape Strategy" Plan, Drawing No. 3297/D03/D13-3234, Rev. 6, as dated 09/07/1 and the "Green Infrastructure Corridor Plan - Jack's Green", Drawing No. D14-2621, V3 (and also its companion piece the report document entitled "Green Infrastructure - Supporting Note", Ref. 14-2620, V4, as dated 06/03/15.
   Reason: To protect species and habitats of importance to nature conservation from significant harm.

4. No development shall commence until a lighting strategy, including details of all of the new artificial lighting installations (and to include lighting levels and light spill) for the development has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only proceed in accordance with the approved strategy.
   Reason: To protect the character and appearance of the area and residential
amenity.

5. The development hereby approved shall only proceed in accordance with the mitigation and compensation measures described in the relevant content of the following document:

Paragraph 8.5.7, on Pages 36 and 37, of the "Ecological Appraisal" report document, in its September 2014, Version v4 format, received by the Local Planning Authority (LPA) on date, in respect of a, precautionary, Method Statement approach for both Reptiles and Amphibians.

Reason: To protect species and habitats of importance to nature conservation from significant harm.

6. The development hereby approved shall only proceed in accordance with the principles set out in the "Grassland Enhancement Plan", Drawing. No. 3297/03/M14-3195, Rev. 3, as dated 01/05/15.

Reason: To protect species and habitats of importance to nature conservation from significant harm.

7. No development shall take place, including any works of demolition or other forms of site clearance/preparation, unless in strict accordance with the content of the "Construction Exclusion Plan", Drawing. No. 3297/03/M15-0010, in its V2 format, as dated 01/05/15.

Reason: To protect species and habitats of importance to nature conservation from significant harm.

8. No development shall take place, including any works of demolition or other forms of site clearance/preparation, until a Construction Method Statement and Ecological/Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement/Plan shall be adhered to throughout the construction period. The Statement/Plan shall provide for:

i) the parking of vehicles of site operatives and visitors
ii) loading and unloading of plant and materials
iii) storage of plant and materials used in constructing the development
iv) the erection and maintenance of security hoarding
v) wheel washing facilities
vi) measures to control the emission of dust and dirt during construction having regard to the London Council’s guidance on ‘Control of dust from construction activities’ and comments in the applicant’s noise and vibration assessment report (Ref PBA Project Ref 15400/400 - Doc Ref R001/rev00 – dated May 2011).

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
viii) the limiting of working hours during construction
ix) the limiting of hours of delivery to the site by HGV
xi) routing for construction vehicles
xii) measures to control noise and vibration impacts
xiii) measures for the protection and/or mitigation of damage to the areas of the Local Wildlife Sites during construction
xiv) measures for the protection and/or mitigation of damage to Protected Species and their habitats during construction
xv) measures to protect any retained hedgerows, other vegetation, any watercourses, and any other ditches or water features.

xv) with reference to the relevant content of Section 8.5, on Pages 35 and 36, of the "Ecological Appraisal" report document, in its September 2014, Version v4 format, relating to Badgers, the requirement for a follow-up/updated pre-commencement check/activity survey exercise; refer also to the content of
Section 6, on Page 6, of the separate "Badger Survey Report", July 2014, v3, which is included as Appendix 4 of the "Ecological Appraisal".

Reason: To protect the amenities of nearby resident and also to protect species and habitats of importance to nature conservation from significant harm.

9. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of the following:

- Full proposed layout plan;
- Full details of all aspects of surface water drainage infrastructure;
- Results of infiltration testing and effects upon surface water drainage proposals;
- Details of surface water balancing facilities, including design, capacity, levels and spillways, as well as demonstration that the post-development surface water runoff will not exceed the values given in paragraph ...........,;
- Details of exceedance overland flow routes, depths and velocities;
- Details of the available capacity of the receiving watercourse;
- Details of any proposed erosion prevention measures required to ensure that discharge concentrated at one point on the receiving watercourse will not cause erosion;
- Calculations demonstrating proposed surface water runoff for the critical storm duration and season, in the 1-year, 30-year, 100-year and 100-year plus climate change storm event return periods, and the effects of these flows on the proposed drainage system;
- Demonstration that SuDS methods such as swales, as opposed to pipes, have been considered;
- Confirmation of the proposed impermeable surfacing;
- Full details of maintenance and/or adoption proposals of every element of the proposed drainage system;
- Full details of pollution prevention measures for all surface water discharged from the site post-development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity.

10. Prior to the commencement of any development on this site, an Ecological Management Plan (an EMP) shall be prepared, by an experienced and qualified ecological consultant, which shall have the primary aim of ensuring that development complements and enhances the Application Site to ensure that there will be no adverse effects upon species and habitats listed under Section 41 of the Natural Environment and Rural Communities Act (2006). This EMP shall cover, at least, all of the on-site habitat areas and also the off-site mitigation areas that the Applicant is offering here too. This EMP shall be submitted to, and approved in writing by, the Local Planning Authority. This EMP shall include, at least, the following items:

- Description and evaluation of the features to be managed;
- Ecological trends and constraints on-site that may influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- Monitoring, and remedial/contingencies measures triggered by such monitoring;
Commitment to, and details of, the funding sources and the organization that will allow the achievement of this EMP.

The approved scheme shall be implemented and retained thereafter.
Reason: This Condition is necessary in order to secure the satisfactory development of the Application Site and in the interest of the protection of the wildlife value of the site.

11. Prior to the commencement of the development, including any demolition and any works of site clearance, full details of the role, responsibilities and operations to be overseen by a qualified supervising ecologist shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be overseen by the qualified ecologist in accordance with the approved details.
Reason: To protect habitats of importance to biodiversity conservation from any loss or damage.

12. No development shall commence until a detailed report document for the sympathetic, positive, nature conservation, ecological management and monitoring of the following habitats and species has been submitted to, and approved in writing by, the Local Planning Authority

   a) Hedgerows
   b) Trees
   c) Drainage ditches and watercourses
   d) Native broadleaved woodland; including all designated Ancient Woodland habitat areas
   e) Native species 'scrub' planting
   f) Species-rich grassland
   g) Wetland features (including attenuation facilities)
   h) All of the relevant identified faunal species
   i) Hibernacula
   j) Artificial bat, bird and dormouse boxes.

The detailed report document shall be in accordance with the principles described in both the approved the “Landscape Strategy” Plan, Drawing. No. 3297/D03/D13-3234, Rev. 6, as dated 09/07/15, and the "Green Infrastructure Corridor Plan – Jack's Green”, Drawing. No. D14-2621, V3 (and also its companion piece the report document entitled “Green Infrastructure – Supporting Note”, Ref. 14-2620, V4, as dated 06/03/15) and the approved "Ecological Appraisal" report document, in its September 2014, Version v4 format. The habitats, the species, and all of the other relevant features, shall be managed and monitored only in accordance with the approved report documents and Drawings at all times thereafter.
Reason: To protect species and habitats of importance to nature conservation from significant harm.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a program of landscaping works which has previously been approved in writing by the Local Planning Authority 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 5 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.
14. Prior to the commencement of the development and notwithstanding the siting of the lodges as shown on drawing 502/02 Rev B (dated Jan 2014), a site plan with the proposed positioning of the lodges with a tree constraints layout overlaid to indicate the proximity of the lodges to retained trees shall be submitted to and approved by the Local planning Authority. The development shall proceed in complete accordance with the details as approved.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape.

15. Prior to the commencement of the development hereby permitted a scheme of external finishes shall be submitted to and approved in writing by the Local Planning Authority and the work shall be executed in accordance with the approved scheme and retained in perpetuity thereafter.

Reason: To achieve a satisfactory elevational appearance for the development.

16. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

a) Written confirmation of the contact details of the project arboriculturist employed to undertake the supervisory role of relevant arboricultural issues.

b) The relevant persons/contractors to be briefed by the project arboriculturist on all on-site tree related matters

c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturist.

d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents

e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (e.g. reduced dig systems, arboresin, tree grills)

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape.

17. (a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority. In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development
18. No development shall take place within the area indicated on drawing 502/02 Rev B until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. 
Reason: To ensure that features of archaeological interest are properly examined and recorded.

19. Prior to the occupation of the development, a scheme detailing the security standards to be incorporated within all openings (door and windows) associated with the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details so approved. 
Reason: This is in the interest of the security of the development and in accordance with local planning policy.

20. The cabins hereby permitted shall be used solely for holiday lets and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual units on the site and of their main home addresses and shall make this register available at all reasonable times to officers of the local planning authority. 
Reason: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation given the site's unsustainable location.

21. Any staff living accommodation shall be used only in association with and ancillary to the use of the site for holiday lets and shall not be used as a separate dwelling unit. 
Reason: The creation of a separate dwelling would be unacceptable in this location.

22. All species used in the planting proposals associated with the development shall be native species of UK provenance. 
Reason: To conserve and enhance biodiversity and prevent the spread of non-native species

23. Prior to the occupation of the development, the access at Wansford Road shall be constructed in accordance the details as indicated on drawing GPP/RFP/15/07 Rev 1 by GPP Planning Ltd dated 10 Aug 2015 and 004 by Origin Transport Consultants dated Jul 2015. 
Reason: In the interest of highway safety.

24. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified. 
Reason: 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

25. If a potential risk from contamination is identified as a result of the work carried out under condition 24, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person
and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
Reason: 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.

26. If contamination is found by undertaking the work carried out under condition 25, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
Reason: 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.

27. If remedial works have been identified in condition 26, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 26. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
Reason: 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.

28. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
Reason: 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.

Informatives

1. No works within the existing adopted highway, maintainable at the public expense may commence without the express written permission of the Highway Authority. This planning permission does not give or infer such permission. The Highway Authority, will only give consent to commence works subject to the completion of an appropriate Agreement, within the Highways Act 1980. Full engineering, drainage, and constructional details will be required to process such an agreement, required to discharge the relevant conditions above. Any details submitted will be subject to a Technical and Safety Audits that may result in changes to the details of the street and junction etc to undertake any necessary highway access accommodation works to facilitate the approved development. The attention is also drawn to the implementation of the New Roads and Street Works Act 1991 and to the Traffic Management Act 2004, where up to a three month notice period to allocate road space (for works within the adopted highway) is formally given prior to the commencement of works.
2. No development shall take place across any public footpath/right of way unless and until it has been legally stopped up or diverted.

3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution.

4. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

5. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

6. Submission of a lighting scheme under Condition 4 above shall include relevant details and measures to minimise potential effects on the local bat population as described in Section 2.0 of the submitted document entitled "Further Information for Northamptonshire Wildlife Trust", Ref. 15-0690, V2, as dated 07/07/15, received by the Local Planning Authority (LPA) on date

7. Foul water is to be disposed of via a Sewage Treatment Plant (Hafren Water Flood Risk and Drainage Assessment (report reference: 18161FRA) dated April 2015). The Sewage Treatment Plant will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. The applicant is advised to contact the Environment Agency on number 03708 506 506 for further advice and to discuss the issues likely to be raised with a local Environment Officer.

8. Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas for fifty car parking spaces or more and hardstanding should be passed through an oil interceptor designed to be compatible with the site being drained. Roof water must not pass through the interceptor.

Reason for Decision

In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. Regard has been had to the 12 core planning principles in the NPPF and the more specific policies. In addition, the Development Plan and other material considerations have been taken into account as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Conditions, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18 and 19 are pre-commencement conditions that are essential to the acceptability of the development.
Wharf Road, Higham Ferrers
Committee Report

Case Officer: Graham Wyatt

Date received: 10 August 2015
Date valid: 10 August 2015
Overall Expiry: 9 November 2015
Ward: Higham Ferrers Chichele
Parish: Higham Ferrers

Applicant: Linden Homes Midlands - Mr Alexander Clark

Location: Land At Wharf Road Allotment Site on Wharf Road Higham Ferrers Northamptonshire

Proposal: Variation of condition 7 - Japanese Knotweed - pursuant to application 14/01537/REM - Reserved matters: Details of access, appearance, landscaping, layout and scale pursuant to outline planning permission 14/00121/VAR - ‘Residential development of 166 dwellings (all matters reserved)’ dated 30.05.2014

This application is brought before Development Control Committee as it proposes a variation to a major application.

1 Summary of Recommendation
1.1 That permission be GRANTED subject to conditions.

2 The Proposal
2.1 The application seeks approval to vary condition 7 of planning permission reference 14/01537/REM which was granted permission on 22nd October 2014.

2.2 Condition 7 states that:

Prior to the completion of the twentieth dwelling hereby approved, a letter confirming that the Japanese Knotweed (which is present on the site) has been eradicated by a suitably qualified contractor and confirmed by a suitably qualified consultant shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of ecology and amenity.

2.3 Justification has been submitted to explain why the applicant proposes to vary the condition to coincide with the next planting season when the prescribed treatment to eradicate Japanese Knotweed will be administered. As a result of this, the applicant wishes to vary the condition to read "sixtieth dwelling" instead of "twentieth dwelling".

3 The Site and Surroundings
3.1 The site is located on the eastern edge of Higham Ferrers. It is an area of approximately 4.7 hectares. The site was occupied by largely disused allotments and it would appear that clearance of the site has taken place. It is bounded by the residential properties of Wharf Road to the North and by newer residential areas to the East and South.

3.2 The site is bounded to the west by a former quarry now an Ash and Hawthorn woodland, leading to the River Nene.

3.3 There is a track running along the northern boundary of the site which provides rear access to the dwellings in Wharf Road. A footpath runs along the Southern boundary of the site. There is a hedgerow along this boundary which is covered by a TPO.
3.4 The site slopes down from North East to South West.

3.5 The site is located approximately 400 metres from the High Street. The Infants and Junior School are located within 300 metres of the site. There is an existing bus stop in Wharf Road.

4 Policy Considerations
4.1 National Planning Policy Framework

4.2 North Northamptonshire Core Spatial Strategy
Policy 13 - General Sustainable Development Principles
Policy 14 - Energy Efficiency and Sustainable Construction

4.3 North Northamptonshire Core Spatial Strategy Pre-Submission Plan Jan 2015
Policy 1 Presumption in favour of Sustainable Development
Policy 2 Historic Environment
Policy 3 Landscape Character
Policy 4 Biodiversity & Geodiversity
Policy 5 Water Environment, Resources & Flood Risk Management
Policy 6 Development on Brownfield Land & Land affected by contamination
Policy 7 Community Services & Facilities
Policy 8 North Northamptonshire Place Shaping Principles
Policy 9 Sustainable Buildings & Allowable Solutions
Policy 10 Provision of Infrastructure
Policy 11 Network of Urban & Rural Areas
Policy 12 Town Centres and Town Centre Uses
Policy 16 Connecting the Network of Settlements
Policy 17 North Northamptonshire's Strategic Connections
Policy 26 Renewable Energy
Policy 28 Housing Requirements & Strategic Opportunities
Policy 29 Distribution of new homes
Policy 30 Housing Mix and Tenure

4.4 Other documents
Sustainable Design SPD

5 Relevant Planning History
5.1 07/00062/OUT: Residential development of 166 dwellings all matters reserved. Approved 20.12.2013

5.2 14/00121/VAR: Variation of condition 28 (Sustainability report) and removal of condition 29 (Interim design stage assessment certificate) and condition 30 (Final certificate) pursuant to planning permission 07/00062/OUT dated 20.12.2013 - Outline: Residential development of 166 dwellings (all matters reserved): Approved 30.05.2014

5.3 14/01537/REM: Reserved matters: Details of access, appearance, landscaping, layout and scale pursuant to outline planning permission 14/00121/VAR - 'Residential development of 166 dwellings (all matters reserved)' dated 30.05.2014. Approved 22.10.2014

6 Consultations and Representations
6.1 Neighbours: One letter of objection has been received although it does not raise any material planning considerations. The devaluing of property prices and the cost of treating the plant is not material to the determination of this application.

6.2 Higham Ferrers Town Council: No comment.

6.3 Site notice posted at the site on 17th August 2015.
7 Evaluation

7.1 The applicant wishes to vary condition 7 of application 14/01537/REM which required the eradication of Japanese Knotweed (a highly invasive plant) from the site prior to the completion of the twentieth dwelling. The applicant cannot confirm total eradication until the next growing season (March - May 2016) and as a result has applied to vary the condition to read "prior to the completion of the sixtieth dwelling".

7.2 While it is regrettable that the knotweed has not been eradicated at the site, it would be unreasonable to require all building to stop until the next growing season when the prescribed treatment will be administered. It must also be noted that while one is not legally obliged to remove Japanese Knotweed or to control it, if it is allowed to grow onto other people's property one could be prosecuted for causing a private nuisance. However, this would be a private matter between both parties and is not something that the Council would get involved in.

7.3 As this is an application made under section 73 of the Town and Country Planning Act 1990 (as amended), an approval would issue a fresh decision which would sit alongside the original permission, which remains intact and unamended.

7.4 In addition, a decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

8 Recommendation

8.1 That permission be GRANTED subject to the following conditions:

Conditions/Reasons

1. The development hereby permitted shall be carried out in accordance with the following plans and documents:

309-SK-01 Location plan received on 13 August 2014
309-SK-03G Planning site layout - colour received on 13 August 2014
309-SK-05G Affordable units plan received on 13 August 2014
309-SK-02G Planning site layout received on 13 August 2014
309-SK-09E Materials plan received on 13 August 2014
309-SK-04G Storey height plan received on 13 August 2014
309-SK-06G Open space plan received on 13 August 2014
8749-101A Site layout received on 20 August 2014
309-SK-08G Boundary treatment plan received on 13 August 2014
AF2B(N) New Planning 01B Plots 50 and 52 received on 19 August 2014
AF2B(N) New Planning 02A Plots 51, 53, 157-159 received on 19 August 2014
AF2B(N) New Planning 03B Plots 39, 41, 61, 66, 68, 70, 94, 96, 98, 127, 129 received on 19 August 2014
AF2B(N) New Planning 04A Plots 40, 67, 69, 95, 97, 99, 124-126, 128 received on 19 August 2014
AF3B(N) NewPlanning01A Plot 130 received on 19 August 2014
AF3B(N) NewPlanning02A Plots 37-38, 59-60 received on 19 August 2014
AF3B(W) NewPlanning01B Plots 71 and 160 received on 19 August 2014
AF3B(W) NewPlanning02A received on 19 August 2014
AF3B(W) NewPlanning03A Plot 93 only received on 19 August 2014
AF38(W) NewPlanning04B Plots 36, 58 received on 19 August 2014
ALD NewPlanning02 Plots 85 received on 19 August 2014
ALD NewPlanning01 Plots 133 received on 19 August 2014
ALD NewPlanning03 Plots 90 received on 19 August 2014
ASH NewPlanning01A Plots 15, 16, 43, 45, 55, 57, 73, 75 received on 19 August 2014
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2. The garden gate lock details shall be carried out in accordance with the details as approved under application 14/02091/CND

3. The surfacing for road 9 shall be carried out in accordance with the details approved under application 14/02091/CND

4. The barrier, to be located between parking spaces 56, 57, 42, 43 and 25, 36, 32, 35, shall be carried out in accordance with the details approved under application 14/02091/CND

5. The facing materials shall be used in accordance with the details approved under application 14/02091/CND

6. The slab levels of the proposed buildings shall be as per those under application 14/02091/CND

7. Prior to the completion of the sixtieth dwelling hereby approved, a letter confirming that the Japanese Knotweed (which is present on the site) has been eradicated by a suitably qualified contractor and confirmed by a suitably qualified consultant shall be submitted to and approved in writing by the local planning authority.

8. The visibility splays shall be in accordance with the details approved under application 14/02091/CND

Reason for Decision

In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraphs 186 and 187. The development as submitted was acceptable and as such no amendments or negotiations were necessary during the determination of this application.
Newton Road, Rushden
Application is reported to the Planning Management Committee as it has been called in by the Ward Cllr.

1. Summary of Recommendation:
   1.1 That advertisement consent be REFUSED.

2. The Site and Surroundings:
   2.1 The application relates to a Lidl supermarket which is being constructed on the edge of the town centre between Newton Road, Rectory Road and Wheatcroft Gardens in Rushden. The surrounding area is mixed residential and commercial. The site itself lies outside, but adjacent to the designated Conservation Area of Rushden.

3. The Proposal:
   3.1 The application (as amended) proposes 1 no. internally illuminated totem sign to be located adjacent to Newton Road and 2 no. internally illuminated signs to be located either side of the south west corner of the supermarket.

   3.2 The application has been amended during its course to omit a second totem sign and to re-locate the remaining totem sign further away from the junction of Newton Road with Rectory Road.

   3.3 The proposed totem sign would be approx. 6m high by 2.1m wide. It would consist of a series of aluminium panel signs containing information relating to the supermarket and at the top, an acrylic Lidl logo sign which would be internally illuminated.

   3.4 The proposed building signs would display the Lidl logo and would be internally illuminated faced in acrylic. Each sign would be 2.5m by 2.5 m, with a projection of approx. 300mm. The signs would be fixed at a height of approx. 4.13m above ground level.

   3.5 The proposed signage would be predominantly red, blue and yellow in colour.

4 Policy Considerations:
   4.1 National Planning Policy Guidance (NPPG)
National Planning Policy Framework (NPPF), March 2012

4.2 North Northamptonshire Core Spatial Strategy (NNCSS):
Policy 13 - General Sustainable Development Principles

4.3 Supplementary Planning Document:
Design SPD, March (2009)
Shop Front Design SPD (2011)

4.4 Other Documents:
Highway Authority Standing Advice for Planning Authorities, Working Draft July 2008
North Northamptonshire Joint Core Strategy 2011-2031 Pre-submission Plan, Jan 2015 (as amended by Addendum of Focused Changes to the Pre-submission Plan agreed by the North Northamptonshire Joint Committee June 2015)

5. Relevant Planning History:
5.1 14/01014/FUL – Granted consent for the supermarket.

5.2 15/01327/FUL – Permission refused at 2nd September 2015 Planning Management Committee for; provision of an area of staff car parking and associated point of access.

5.3 15/01623/VAR – This application to vary the store opening times is currently being considered.

5.4 The current application is the first advertisement consent application received for the site.

6 Consultations and Representations:
6.1 Neighbours: One objection received for this application and in addition an objection to application 15/01623/VAR makes reference to this proposal. Objections summarised as:
- 'We do not live in Las Vegas, Wheatcroft Gardens is a quiet cul-de-sac and needs to be kept that way, not lit up with neon signs'
- Signs out of keeping with the area
- Name above the entrance to the shop would be sufficient
- Residential amenity

6.2 Rushden Town Council: Object
- Agree completely with objections made by Conservation Officer.
- Consideration should be given to residents of Dell Place regarding any illuminated signs, as they will have a direct impact on the residents’ quality of life (particularly in hours of darkness).

6.3 Local Highway Authority:
6.3.1 I am currently concerned that the proposed totem by the main vehicular access to the store may obstruct visibility due to its proximity to the entrance, both in terms of visibility for emerging drivers to other vehicles and between emerging drivers and pedestrians crossing the access (particularly from the western side of the access). In light of this I would suggest that the totem in question should be relocated further within the site to ensure it sits clear of the site access and any related visibility splays. In addition, as a general note, I would request that the LHA standard conditions with regards to illuminated signage are applied, i.e.
1. No part of any sign hereby permitted, shall encroach upon the adjacent highway.
2. The means of illumination shall not be of a flashing or intermittent kind with the light source screened so as not to be visible from the adjacent highway(s).
6.3.2 In the event that any part of the sign overhangs the public highway the applicant would require a licence under section 177 of the highways act 1980. Any planning consent does not give or imply local highway authority consent.

6.4 Senior Conservation Officer:
6.4.1 The application site is located adjacent to the designated Rushden Conservation Area. As such, and in line with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, we have a duty to ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area. Having assessed the submitted documentation I can confirm that I have concerns regarding an aspect of the proposals. In my view the totem pole which is proposed at the western end of the site, fronting onto the junction of Rectory Road and Newton Road would have a harmful impact on the setting, and in turn the character and appearance of the conservation area. This is owing to the height and design of the proposed structure including its illumination. I therefore object to this application. I have attached the townscape analysis plan for the Rushden Conservation Area for your information. You will note that the totem pole in questions is proposed to be located adjacent to a number of buildings of interest, including the former Rushden Urban and District Council Offices.

6.5 Environmental Protection Team (ENC): None received to date.

6.6 Re-consultations have been sent (08.09.15). Any further responses received by the deadline (22.09.15) will be reported to Committee on the update sheet.

7. Evaluation:
7.1 The proposal should be considered in terms of visual amenity and public safety, taking account of cumulative impacts (NPPF para 67).

7.2 Visual Amenity:
7.2.1 It is considered that the proposed signage would detract from the character and visual amenity of the area including the Conservation Area, which lies in close proximity to the site. The use of internal illumination, strident colouring and the excessive scale of the proposed totem sign (6m high and with sign panels from top to bottom), would result in the signage appearing unduly prominent and would detract from the character of this part of Rushden. Whilst it is acknowledged that the supermarket will have a modern design, the site is still considered sensitive, being located on the edge of the Conservation Area and in a semi-residential area. A less tall and bulky totem sign (such as can be found at some other Lidl stores) and omission of lighting, or possibly amendment to external trough lighting, could potentially provide a more acceptable solution. The proposed internal illumination of the signage has necessitated the use of acrylic for the sign faces and this modern, glossy material would appear out of keeping with the adjacent historic buildings of the Conservation Area and would add to the dominance of the signage.

7.2.2 Officers have highlighted their concerns with the applicant and as a result the 2nd totem sign has been removed and the remaining totem re-positioned further from the junction of Newton Road and Rectory Road. Whilst these changes are welcomed, they are not considered to go sufficiently far so as to address the concerns raised.

7.2.3 The agent has suggested that the Committee report relating to the supermarket planning application accepts the design and illumination of the building signs, stating:

'The committee report for the original application referred to the gable signs indicated on the approved elevations and confirmed that the signs 'would be the standard signs that Lidl use and would be illuminated' it goes on to state that: 'Given the sites location on the edge of the town centre where there are other businesses with advertisements, the signage is considered acceptable. In addition the site falls outside the Conservation Area and as such the internal illumination is considered acceptable in principle'"
7.2.4 Notwithstanding the officer's comments in the Committee report, the planning application for the supermarket is not considered to prejudice the determination of this advertisement consent application. The signage requires advertisement consent rather than planning permission and as such it did not fall to be considered as part of the planning application. In any case, the officer at that time was not in receipt of the full details of the signage, nor was a totem sign suggested; therefore the cumulative impact could not possibly have been a consideration. Furthermore, the committee report clearly indicates that details of lighting would need to be considered further.

7.2.5 The agent has also referred to the approval of internally illuminated signage (including a totem sign) at a Sainsbury's store on Rushden High Street:

'It is noted that Sainsbury's secured advertisement consent for various illuminated signs, including acrylic illuminated gable signs and a totem sign, in May 2014 for their Sainsbury's Local store on Rushden High Street (Ref. 14/00617/ADV), which is located in a very similar context to the Lidl foodstore. The Sainsbury's Local Store is located adjacent to and opposite the Conservation Area Boundary. It is also opposite and adjacent to several buildings which make a positive impact on the Conservation Area and are in residential use.'

7.2.6 Notwithstanding the fact that each application must be taken on its own merits, it would appear that fascia signage at the Sainsbury's site is halo lit, rather than internally illuminated (i.e. only the text is lit and not the fascia – which is aluminium) and the totem sign is considerably more discreet at 3m high rather than 6m as proposed by Lidl. Notably the colours used by Sainsbury's are also less strident and for these reasons the approval of signage for the Sainsbury's store does not prejudice the consideration of this application.

7.3 Highway impact:
7.3.1 The Highway officer expressed concern regarding the originally proposed totem sign adjacent the access to the car park. This has subsequently been omitted and officers therefore consider that subject to conditions recommended by the Highway Officer, the proposal would not be detrimental to Highway safety.

8 Other issues:
8.1 Residential Amenity – comments are awaited from the Council's Environmental Protection Team in relation to light pollution, however it is considered that notwithstanding concerns regarding the visual amenity of the proposed internally illuminated signage, it is likely that conditions (if necessary) could ensure a satisfactory level of residential amenity for neighbouring residents. Any comments received from the Environmental Protection Officer will be reported on the Committee update sheet.

9 Recommendation:
9.1 For the reasons outlined above, the application is recommended for REFUSAL for the following reason:

Reason(s):

1. By virtue of the scale, position, materials, design and type of illumination, the proposed advertisements would adversely affect the character and visual amenity of the area, including views into/out of the Conservation Area. The proposal is therefore contrary to NNCS 13 (h) and (o), emerging JCS policies 2, 3 and 8 and the NPPF (para 67 and section 12).

11. Notes to Applicant:
1. This application has been determined in accordance with 186 and 187 of the National Planning Policy Framework. The applicant was given the opportunity to amend the proposal to address concerns. A revised proposal addressing the concerns highlighted may be viewed more favourably.
Peck House, Peck Way

Rushden
Committee Report

Printed: 10 September 2015

Case Officer: Amie Baxter

Date received: 7 April 2015  Date valid: 7 April 2015  Overall Expiry: 2 June 2015  Ward: Rushden Spencer  Parish: Rushden

Applicant: DFS Construction - Mr Doug Smith
Agent: Mr Phil Bates
Location: Peck House Peck Way Rushden Northamptonshire

Proposal: Erection of two storey dwelling over existing vehicular access - resubmission of 08/01475/FUL

This application has been brought to committee at the request of the Ward Members (Cllr Andy Mercer, Cllr Dorothy Maxwell and Cllr Sarah Peacock).

1. Summary of Recommendation
1.1 That permission be GRANTED subject to conditions.

2. The Proposal
2.1 The application seeks permission for the erection of a detached two storey dwelling, with an undercroft allowing vehicular access to the parking bays at the rear which are associated with the five flats at Peck House. The proposed dwelling would have a height of 8.5 metres, a width of 10.3 metres and a depth of 7.0 metres. The proposed dwelling would have a study and WC at ground level and living room, kitchen and bedroom at first floor level.

3. The Site and Surroundings
3.1 The site is a gravelled area which is currently used as a parking area for 5 flats at Peck House. There is an existing vehicular access along the eastern boundary used by the occupiers of Peck House.

3.2 The site is surrounded by terraced dwellings to the south and west and there is a public car park to the south east. A retail building (Home Bargains) is positioned to the north east. The neighbouring dwellings are a mixture of Victorian terraced dwellings and modern flats, all constructed from red brick under concrete tiled roofs.

4. Policy Considerations
4.1 National Planning Policy:
National Planning Policy Framework

4.2 North Northamptonshire Core Spatial Strategy 2008 (NNSCS)
7 - Delivering Housing
9 - Distribution & location of development
10 - Distribution of housing
13 - General sustainable development principles
14 - Energy efficiency and sustainable construction
15 - Sustainable housing provision

4.3 Other Relevant Policy
Highways Authority Standing Advice Document 2013

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4.4 The previous application was determined prior to the introduction of the NPPF but was found to be acceptable in terms of the policy contained within the NNCSS and all other relevant policy at the time. As such, the proposal must also now be examined against the policy within the NPPF- the relevant sections of which are explained in detail below:

- Presumption in Favour of Sustainable Development- Planning law requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise and there is a presumption in favour of sustainable development

- Promoting Sustainable Transport- covering safe and suitable access point and promoting development close to town centres to reduce the need for travel

- Delivering a Wide Choice of Quality Homes- where applications for housing should be considered with a presumption in favour of sustainable development and plan for a mix of housing to suit the needs of different people in the community to reflect local demand.

- Requiring Good Design- developments should contribute to making places better for people and achieve good design for all development which responds to local character. Planning decisions should not attempt to impose architectural designs or particular tastes or stifle development through unsubstantiated requirements to conform to certain development styles, unless to seeking to promote local distinctiveness.

4.5 As such, the policy contained within the NPPF does not differ or introduce further points for consideration to the relevant policy used in the determination of the previous application. Your officers are confident that the proposed development, whilst not of the very highest quality in terms of living accommodation or design, would not be contrary to policy and a refusal could not be substantiated at appeal.

5 Relevant Planning History
5.1 08/01475/FUL. Erection of two storey dwelling over existing vehicular access. Approved under delegated powers on 02.03.2009. The proposal in 2008 was essentially the same (apart from minor cosmetic differences) to that proposed as part of this current application. Rushden Town Council did not have any objections to the proposal in 2008.

6 Consultations and Representations
6.1 Neighbours: Objections from one neighbour at 2 North Street raising the following concerns:
- The new dwelling would be 350mm away from the gable end of No 2 which would not allow for maintenance and painting of the gable end.
- The neighbour purchased her property because it is an end terrace, with a higher value than a mid-terrace. The proposed development would reduce the value of No 2.
- The living quarters of the new dwelling would be on the first floor adjacent to the bedrooms at no 2 which will result in noise disturbance.
- The new dwelling would overlook the adjoining garden.
- The proposed location of the bins will result in pungent smells entering No 2 when the kitchen window is open.
- A modern build would not fit with the character of a Victorian street.

6.2 A letter of concern has been received from Cllr Dorothy Maxwell written on behalf of the neighbour at Number 2 North Street, noting the following:
- The gable end needs to be maintained every year to stop damp so a gap needs to be provided between the new and existing dwellings.
The neighbour at No 2 would like to put her bins in her back garden which would mean travelling through the site and the car park of Peck Way. Could this be arranged as a condition?

The bricks would need to be the same colour as the houses in North Street.

Will it be another 8 years before the dwelling is built?

6.3 Rushden Town Council: Objection on the following grounds:

- The proposal is gross overdevelopment of the site and would not provide adequate living space.
- The scheme is poorly designed and does not consider neighbouring amenity.
- Rushden already has an overprovision of this type of development
- The development would not contribute to 'making places better for people', as per paragraph 56 of the NPPF.

6.4 Highways Authority: No objection. There is a car park nearby and there are surrounding roads which do not have parking restrictions. Conditions suggested with regards to visibility splays, surfacing, access construction and to ensure that no gates are erected within the undercroft.

7 Evaluation

7.1 The following issues are relevant to the determination of this application:

7.2 Principle of Development.

7.2.1 The NPPF clarifies what is considered to be previously developed land, stating that land which is or was occupied by a permanent structure, including the curtilage of the developed land, would be considered as being previously developed. However, it should not be assumed that the whole curtilage associated with the previous development should be considered as being previously developed. The application site is well related to and acts as part of the existing development of Peck House, and the site falls clearly within the curtilage of that development. Although it should not be assumed that the land would be considered as previously developed just because it is within the curtilage of Peck House, given that the site is very closely related to the previous development (as a portion of the car park) and given the merits of the application in terms of sustainability, proximity to the town centre and positioning within an established residential area, the application site would be considered as a sustainable site suitable for residential development.

7.2.2 This definition of previously developed land was included within the NPPF essentially to prevent garden grabbing and overdevelopment of gardens where it could have an impact upon the character of an area. This is not the case with this development. The site is not a garden and the proposed development would be a logical continuation of the built form without having a detrimental impact on the character of the area as a whole or residential amenity.

7.3 Visual Impact

7.3.1 The street scene is characterised by a mix of Victorian terraced properties which are simple in design terms, and more modern buildings such as Peck House, the retail building known as Home Bargains and the modern residential development at Peck Way. As such, the character of the area differs and includes examples of both traditional and modern design.

7.3.2 The proposed dwelling would be positioned in line with and would mirror the scale and height of the adjacent dwellings in the existing terraced row. Breaks in the building line would be apparent between the proposed dwelling and No 2 North Street and the existing flats at Peck House, to retain a degree of openness for this corner plot. The proposed dwelling would therefore accord with the surrounding built form and would not appear as a dominant or obtrusive feature within the street. Furthermore, the overall design, window detail and choice of materials would compliment the appearance of the existing dwellings surrounding the site. A condition is recommended to ensure that appropriate materials, matching those of
the adjacent properties, are used.

7.3.3 The design of the new dwelling incorporates an undercroft, to allow vehicular access to the rear of the flats which are to the west of the site. This would appear as a more modern design element but would not be harmful to the overall appearance of the immediate area.

7.4 Residential Amenity
7.4.1 The proposed dwelling would be positioned in line with the adjacent row of terraced dwellings, with the rear elevation not protruding beyond the rear elevation of 2 North Street. As such, the proposed dwelling would not result in an overbearing impact or result in an undue level of overshadowing to the garden of number 2.

7.4.2 There are no windows in the gable end if number 2 so the proposed dwelling would not result in any internal overshadowing or loss of light for number 2.

7.4.3 The proposed dwelling would have windows in the rear elevation which would allow some views of the garden of Number 2. However, this level of overlooking would be similar to that experienced with the existing neighbouring terraced dwelling and would not be harmful. A degree of mutual overlooking is expected within residential areas such as this.

7.4.4 A distance of approximately 14 metres would separate the rear windows of the flats at Peck House and the rear windows of the proposed dwelling and this is considered sufficient to prevent any harmful direct overlooking. Furthermore, this separation distance would prevent a significant degree of overshadowing and prevent the proposed dwelling from having an overbearing impact on the occupiers of Peck House.

7.4.5 The proposed residential use would be compatible with the surrounding residential land uses and it is unlikely that an additional single dwelling would give rise to concerns over noise disturbance, particularly as the proposed dwelling would be detached. In any case, this can be dealt with under separate environmental health legislation.

7.4.6 An area has been provided for the storage of bins to the rear of the proposed dwelling. This area is considered appropriate as it gives the occupier adequate access to the nearest highway for refuse collection and provides a secure location away from public areas. The neighbour at 2 North Street has raised concerns about odour from the bins given that they would be positioned close to her kitchen window. Environmental Protection has been consulted and confirm that they have no objection to the proposed development overall. This is partly due to the proposal being for a single dwelling, and therefore the occupier would take ownership of the garden and refuse area, rather than it being left as a communal responsibility. In addition, the bins are sealed with a lid and would only be for domestic waste. Out of courtesy, it would be preferable for the bins to be positioned away from the neighbouring property and an informative is recommended to remind the applicant to consider the amenity of neighbours when positioning the bins. As the issue of odour from domestic bins is not a significant concern in this case, it would not be reasonable to insist on the position of bins as a condition.

7.5 Highway Issues.
7.5.1 The scheme would result in the loss of two off road car parking spaces that are currently used in addition to the existing 5 spaces for Peck House. Peck House contains 5 flats, which would result in there being a provision of one parking space per flat for the existing units.

7.5.2 There is no parking proposed for the proposed dwelling and it is acknowledged that on street parking can be difficult, particularly at evenings and weekends, in the Peck Way area. However, given that the proposed dwelling is small and within walking distance of the services within the town centre, and as there is a public car park (for 7 cars) directly opposite the application site, parking at Home Bargains and some on street parking available in the area, the addition of one car associated with the proposed development is not considered to
place significant strain on demand for parking in the area. The addition of one car is unlikely to result in a negative impact on highway safety.

7.5.3 It could be argued that with the loss of the two existing parking spaces from Peck House and the addition of the proposed dwelling, that in reality, the increase in the need for parking would be for three cars. Again, given the proximity of the site to the town centre, the size of the units (both at Peck House and the proposed dwelling) and as there is sufficient off road parking available nearby, an increase of three parked vehicles would not result in a detrimental impact to highway safety. It is your officer's opinion that a refusal on highways grounds could not be substantiated.

8 Other issues
8.1 Amenity Space- No amenity space would be lost for the occupiers of Peck House as a result of the proposed development as occupiers do not currently benefit from any. The proposed development would incorporate a small courtyard area to the rear which would provide an area of private outside space for hanging washing and storing refuse, for example. There are areas of open space within walking distance from the site for leisure activities that require larger spaces.

8.2 Crime and Disorder - this application does not raise any significant issues

8.3 Access for Disabled - this building would not be subject to any public access and this does not raise any significant issues.

8.4 Property Values- The neighbour at 2 North Street is concerned that the proposed development would reduce the value of her dwelling. This is not a planning consideration and should not therefore be regarded in the determination of this application.

8.5 Maintaining the Gable End of 2 North Street- The neighbour is concerned that the proposed dwelling would sit 350mm away from the gable end of her property. This is incorrect. There would be a minimum separation distance of 1 metre, to allow for access to the rear of the proposed dwelling. A separation of 1 metre would be adequate to allow the occupier of 2 North Street to maintain the gable end of her property without obstruction.

8.6 Beginning Construction- A standard condition which requires the development to begin within three years is recommended as part of any approval. If the build is not begun within that three year period, the planning permission would lapse and further consent would be required. There is no mechanism within the planning system to prevent the applicant from re-applying for consent in the future.

9 Recommendation
9.1 That the application be GRANTED subject to the following conditions:

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
   Reason: Statutory requirement under provision of Section 91 of the Planning and Compulsory Purchase Act 2004.

2. Before any work is commenced on the development hereby permitted, a sample of the proposed facing, roofing and fenestration materials for the dwelling shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved details.
   Reason: To achieve a satisfactory elevational appearance for the development.

3. Prior to the commencement of development, details of the proposed finished floor levels of the dwelling hereby approved in relation to the existing and proposed levels of the site and
the surrounding buildings land shall have been submitted to and approved in writing by the local planning authority. The dwelling shall thereafter be constructed in accordance with these approved details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings.

4. Prior to the commencement of development, details of the proposed surfacing materials and means of drainage to prevent the discharge of water to the public highway shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.

Reason: In the interests of highway safety.

5. Before any work is commenced on the development the subject of this permission, details of the boundary treatment shall be submitted to and approved by the local planning authority. The boundary treatment shall then be provided in accordance with the approved details before the dwelling is brought into use and thereafter retained.

Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

6. Before any work is commenced on the development the subject of this permission details of the provision of foul water and surface water drainage installations to serve the development proposed shall have been submitted to and approved by the local planning authority, and the development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard public health and to prevent the potential for flooding on the site and elsewhere.

7. The driveway giving access to Peck House shall be a minimum of 4.5 metres wide for the first 10.0m behind the highway boundary (back of footway) and must be hard paved for the first 5.0 metres to prevent the discharge of loose material onto the highway.

Reason: In the interest of highway safety

8. Pedestrian visibility splays of at least 2.4 metres by 2.4 metres (2m x 2m where there is turning space within the site) shall be provided for the vehicular access to the parking area beyond the proposed dwelling. These measurements are taken along and to the rear of the highway boundary within the curtilage of the site. The area of land forward of these splays shall be reduced to and maintained at a height not exceeding 0.6 metres above carriageway level. Details of the vehicular access shall have been submitted to and approved in writing prior to the commencement of development.

Reason: In the interest of highway safety.

9. No gates shall be erected within 5 metres of the back edge of the public highway or within the undercroft of the dwelling hereby approved.

Reason: In the interests of highway safety.

10. The development hereby permitted shall be carried out strictly in accordance with approved plans, 14.052.02A received by the Local Planning Authority on 07.04.2015. OS Plan, unless otherwise agreed in writing by the local planning authority.

Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted

Informatives

1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in accordance with paras 186 and 187. The application was considered acceptable as first submitted.

2. The applicant is strongly encouraged to consider the close proximity of the neighbouring
windows of 2 North Street when positioning the waste bins for the new dwelling. The most appropriate place for the bins would be adjacent to the rear access door of the new dwelling and not adjacent to the boundary shared with 2 North Street, in order to prevent nuisance from odour.
Committee Report

Case Officer: Rosalind Hair

15/01443/EXT 15/01677/EXT

Date received: 31 July 2015  
Date valid: 31 July 2015  
Overall Expiry: 21 August 2015

Ward:  
Parish:  

Applicant: Define Planning And Design Ltd

Agent: Borough Council Of Wellingborough

Location: Land East Of Wellingborough Northamptonshire

Proposal: Outline application with all matters reserved for the development of 550 dwellings (Use Class C3) in addition to 321 committed dwellings under planning permission WP/2004/0600/O, extension of committed primary school into 3 Form Entry, relocation of committed burial ground, plus formal and informal public open space including sports and children's play areas and associated infrastructure including highways, landscaping and sustainable urban drainage system.

Applicant: Bovis Homes Limited

Proposal: Reserved matters application pursuant to outline planning permission WP/2004/0600 (ENC 06/02141/EXT) to determine appearance, landscaping, layout and scale for the erection of 230 dwellings for residential use along with all roads, sewers etc.

The applications are being reported to the Planning Management Committee due to the scale of the developments.

1. Summary of Recommendation:

   - 15/01443/EXT – Advise the Borough Council of Wellingborough (BCW): No objection, subject to satisfactory comments from the County Council (including the Highway Authority).

   - 15/01677/EXT – Advise BCW: No objection

2. The Proposals:

2.1 Consultations have been received from BCW relating to a sustainable urban extension to the eastern outskirts of Wellingborough. The urban extension was granted outline planning permission in 2008 for a mixed use development for the construction of 3,100 new homes and B1, B2 and B8 employment areas.

2.2 The urban extension will be approx. 1.6km from Rushden and 1.8km from Irthlingborough.
2.3 The consultations which have been received relate specifically to:

- 15/01443/EXT - Outline application with all matters reserved for the development of 550 dwellings (Use Class C3) in addition to 321 committed dwellings under planning permission WP/2004/0600/O, extension of committed primary school into 3 Form Entry, relocation of committed burial ground, plus formal and informal public open space including sports and children’s play areas and associated infrastructure including highways, landscaping and sustainable urban drainage system.

- 15/01677/EXT - Reserved matters application pursuant to outline planning permission WP/2004/0600 (ENC 06/02141/EXT) to determine appearance, landscaping, layout and scale for the erection of 230 dwellings for residential use along with all roads, sewers etc.

3. Policy Considerations:
3.1 National Planning Policy Guidance
National Planning Policy Framework 2012

3.2 North Northamptonshire Core Spatial Strategy (NCCSS) 2008

3.3 North Northamptonshire Joint Core Strategy (JCS) 2011-2031 Pre-submission Plan, Jan 2015 (as amended by Addendum of Focused Changes to the Pre-submission Plan agreed by the North Northamptonshire Joint Committee June 2015)

4. Consultations and Representations:
4.1 None, as the site is outside East Northamptonshire. BCW will carry out all consultations directly.

5. Evaluation:
5.1 BCW is the determining authority and so the onus is on them to fully assess the applications against national and local planning policy and material considerations. The key consideration for this Council is the impact of the proposals on East Northamptonshire.

15/01443/EXT

5.2 The application explains:
‘In order to ensure the scheme’s viability to facilitate the full development at Stanton Cross at the earliest opportunity, a number of changes are proposed to the permitted development scheme as set out in the approved 2008 Stanton Cross Masterplan (the “2008 Masterplan”). Most notably, they include the development of an additional 550 dwellings and the deferment of the provision of the northern access road (Route 6) and eastern access road (Route 7).

Formal approval of the proposals will be secured through this outline planning application for the additional residential development proposed, and a separate, but linked, Section 73 planning application that seeks to amend some of the conditions attached to the existing outline planning permission...
...This outline planning application seeks permission for the development of an additional 550 dwellings on land that in the 2008 Masterplan had previously been:

- identified for mixed use development (residential and business (B1) use) around the Neighbourhood Centre and Ise Local Centre (3.77ha including 0.75ha of B1 use, and 2ha including 0.4ha of B1 use respectively);
- identified for employment development (B1) north of the Ise Local Centre (3ha);
- reserved for future residential development and retained in existing use to the east of the Ise Local Centre (3.48ha and 1.43ha); and
- reserved for the development of a secondary school (10.24ha including 4ha of sports pitches).

The application site also includes the proposed burial ground, northern allotments and a LEAP that are located on the ridgeline in the committed development scheme. They are all re-provided together with the sports pitches in the eastern part of the application area, adjacent to the proposed link road between Finedon Road and Irthlingborough Road.

A new site for the development of a secondary school will now be reserved to the east of that link road (however...the secondary school does not form part of the planning application).

The application site also includes the primary school site, a NEAP and recreation area adjacent to the Ise Local Centre. The primary school site has been relocated and extended from a 2 Form Entry to a 3 Form Entry school, to support the additional proposed residential dwellings, and now extends into the green corridor to the north. The public open space has been reconfigured accordingly.

These changes to the Masterplan have also necessitated some revision to the proposed areas of strategic landscaping, SUDs provision and pedestrian cycle routes.

5.3 As this is an outline application with all matters reserved, it is the principle of the development which is to be considered, rather than the final details. In this case, the following are considered to be the key issues relevant to ENC:

Landscape and Visual Impact:

5.4 The site is positioned on a ridge and therefore is highly visible, landscape and visual matters are therefore important considerations. For the most part, the areas of land under consideration have already been considered acceptable for development (as identified on the 2008 permitted masterplan). Notably the northern part of the site is now proposed for housing, whereas previously it would have stayed as agricultural land. Nevertheless, given the location of this parcel of land in relation to East Northamptonshire and its context within the consented development, it is not considered that there would be a significant impact on East Northamptonshire from this change.

Infrastructure:

5.5 It is noted that a secondary school is being re-located from the application site to land outside the red line to the east of the development on a ridge. A separate planning application will need to consider the proposed new site for the secondary school and it will be for BCW to consider in liaison with the County Council the implications of omitting the secondary school from this application.
5.6  The transport impacts of the proposal and highway infrastructure requirements will need to be considered because of the nature of the proposal. It will be for BCW to consult the Highway Authority and consider their response on those matters.

5.7  Subject to satisfactory comments from the County Council (including the Highway Authority); it is not considered that the proposal would give rise to significant detrimental effects on the district of East Northamptonshire. It is therefore recommended that the Council does not object to the proposal.

15/01677/EXT

5.8  Application 15/01677/EXT relates to the approval of reserved matters pursuant to an extant outline planning permission. As the principle of the development has already been established by the outline permission, fundamental issues such as the potential traffic impact for our District will have already been considered.

5.9  Given the distance of the site from the boundary of East Northamptonshire and that the development will be set against the backdrop of the urban area of Wellingborough, officer’s consider it is highly unlikely that the detailed matters now being considered would have any significant impact on our District.

6.  Recommendation:

6.1  It is recommended that the Council raises no objection to the applications subject to satisfactory comments from the County Council (including the Highway Authority) in respect of application 15/01443/EXT.