# APPLICATIONS FOR DETERMINATION

## PLANNING MANAGEMENT COMMITTEE - 20 April 2016

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Bridge Street Service Station, Higham Road
Case Officer: Anne Dicks

Date received: 14 December 2015
Date valid: 7 January 2016
Overall Expiry: 3 March 2016
Ward: Rushden Spencer
Parish: Rushden

Applicant: Mr Young And Mr Steel
Agent: Pegasus Group - Miss E Higgs
Location: The Bridge Service Station Higham Road Rushden Northamptonshire NN10 6DZ

Proposal: Demolition of existing petrol filling station, associated kiosk, garage service station and car wash area to be replaced by new petrol filling station, forecourt, kiosk with external storage area, retail concession (10000sqf), ATM, jet wash, five customer parking bays (including one disabled parking bay), air & water unit, vac unit, replacement fuel tanks, lighting, CCTV and boundary treatments.

At the Planning Management Committee meeting held on Wednesday 30th March, 2016 The Committee considered an application for the demolition of an existing petrol filling station, associated kiosk, garage service station and car wash area; to be replaced by a new petrol filling station, forecourt, kiosk with external storage area, retail concession, ATM jet wash, five customer parking bays (including one disabled parking bay), air and water unit, vacuum unit, replacement fuel tanks, lighting, CCTV and boundary treatments.

Note: In the interest of residential amenity, the Jet Wash facility had been removed from the scheme prior to the meeting.

The application was deferred to allow for further investigation of the issues of noise levels, provision of a layby opposite and the hours of use.

Report on Committee Meeting 7.00pm Wednesday 30.03.2016

The application had been brought before the Committee at the request of a Ward Member.

Members noted that three letters had been received from nearby residents objecting to the application.

It was noted that the applicant had now amended the proposed opening hours of the petrol filling station to 6am-12.00 midnight.

Members raised a number of issues around the turning of delivery vehicles at the site, the provision of a layby opposite as per the approved ASDA store, the proposed opening times and the noise calculations.
The meeting adjourned at 7.40pm to enable Officers to consider the issues which had been raised. The meeting reconvened at 7.48pm.

The Committee agreed to defer the application to enable a site visit to take place and to allow officers to liaise with the applicant on the issues of noise levels, provision of a layby opposite and the hours of use.

A site visit has been arranged for Tuesday 12.04.2016 at 8.00 am

Update 05.04.2016
In a conversation with the Agents, Pegasus, the following issues were discussed:

Opening hours: the PM Committee has requested a seven hour closure from 11.00pm to 6.00am – an additional hour over and above Asda’s offer of 12.00 midnight to 6.00am.

Swept path analysis: Committee Members questioned the opinion of the Highways Engineer regarding the swept path analysis and the ability of fuel tankers to enter and leave in a forward gear. A condition attached to the officer’s report has requested a scheme of management and servicing with regard to fuel tanker deliveries which should be implemented and managed in perpetuity.

Noise report:
Committee Members questioned the accuracy of the submitted Acoustic Report with regard to noise level readings and the council’s Senior Environmental Protection Officer’s response. The applicant’s Agent has arranged for the Acoustic consultant to attend the Member’s Site Visit on 12th April.

The following email has confirmed this intent:
“Following your conversation with my colleague Nigel this morning and our discussions with the design team we are hoping to (weather dependant) do the monitoring and assessment of noise impact from the properties opposite the PFS as requested by members – whilst we do maintain that this is not required from a technical perspective we are happy to provide it to alleviate the concerns of members and residents. Andrew has been in touch with Cllr Maxwell who is going to try and arrange access to the residents’ properties to make the survey as accurate as possible, however if this is not possible we intend to take the readings from the land between the superstore and no 1 Higham Road in line with the front of the property.”…and continues: “In addition to this our noise consultants are preparing a note responding to members’ queries, explaining the methodology of the existing report and justifying the original monitoring position…”

An email from the Council’s Senior Environmental Protection Officer was received on 01.04.2016:
“I gather that a matter was raised by councillors at committee with respect to maximum noise levels. In particular the WHO night time noise criteria and those maximum noise levels stated in Appendix C (PFS Activity Noise Levels) of the Acoustic Consultancy Partnership Ltd (ACP) report submitted in support of this planning application. I refer to my email of 26.02.16 in this respect and for completeness have repeated the relevant section below.
There has been some comment with respect to reference to the World Health Organisation night time noise levels. The 60dB referred to is, I believe, the 60dBLAmax for maximum or peak noise levels. This should be viewed in the context of the existing noise climate. This level, from the submitted noise report, is regularly exceeded at present from normal environmental noise during and outside the opening hours of the existing filling station. The highest predicted noise level from the proposed development should not exceed 60dBLAmax, based on the noise report; as such we have no grounds to object on this basis.

The noise level of 66.4dBLAmax quoted in the ACP report is a ‘typical measured noise level’ from PFS activity taken at an alternative site. This figure is the noise level at source NOT the noise level at the nearest or any other sensitive receptor. The noise level will fall away significantly, in particular with distance, and other attenuating features such as buildings, fences, etc. From Table 3 (Section 9.14) the highest predicted noise level is 57.5dBLAmax, which does not exceed the WHO 60dBLAmax night time criteria.”

**Highway congestion**
A Committee Member raised the issue of measures to alleviate the traffic congestion between the site and the Asda Superstore. The Councillor recalled a proposed lay-by, a pull-in facility to the western side of the Higham Road in the vicinity of the Superstore. Since the proposed operator of the PFS has now been identified as Asda, the question was raised as to whether this lay-by could be incorporated into the current application to the benefit of traffic congestion.

The council’s solicitor confirmed that this issue cannot be dealt with as part of the application for the refurbishment and rebranding of the existing PFS. Officers confirmed that this could not form part of the proposal as it would not be included in the red line – as submitted. However the application was deferred - with this issue pending further investigation.

The County Highways Principal Engineer has agreed to attend the Member’s site visit to revisit this request.

**Retail Concession**
With regard to questions regarding the A1 retail concession, which is proposed as part of the scheme, the Agent has confirmed that, to date, the operator of this unit is still unknown.

A condition for the retail concession is recommended:

Notwithstanding the submitted details and prior to the occupation of the retail concession unit, full details of the nature of the A1 retail business and any refrigeration/ventilation/condenser plant shall be submitted to and approved in writing by the Local Planning Authority. The retail unit shall thereafter be operated in accordance with the details so approved and any subsequent refrigeration/ventilation/condenser plant will require consent from the Local Planning Authority.
Reason: In the interest of neighbourhood amenity.

**Correspondence from the applicant’s Agent received 06.04.2016**
A letter covering the issues raised at Committee on 30.03.2016 and an explanatory note from the Noise consultants was forwarded. The full documents are available to view on the council’s website and are summarised below:

**Noise**

Queries were raised regarding how the submitted noise impact assessment was carried out, the location from which readings were taken and some of the results. The report has been reviewed in depth by the Council’s Environmental Protection Officers who are confident that the monitoring and assessment were carried out in a satisfactory manner in accordance with the relevant technical guidance.

The consultants who prepared the submitted report have also provided further explanation which is submitted alongside this letter.

Notwithstanding the technical acceptability of our assessment we are exploring the option to provide additional monitoring and assessment from the properties on Higham Road as requested by members to fully alleviate the concerns.

Noise Consultants will be in attendance at the arranged site visit on the 12th of April to answer any questions members may have.

**Concession Unit**

The concession unit is restricted by a number of suggested conditions at present. It is proposed to be an A1 use (shop) and the opening hours are restricted to between 6am and midnight.

We are currently unable to confirm the end users of the unit however if it were to be used for something different to that currently proposed, or require additional plant as suggested, this would not be possible without further applications to vary the conditions or permitted plans and the Council would be able to control any proposed amendments.

**Opening Hours**

We can confirm that it is proposed for the PFS and Concession unit to be closed between Midnight and 6am.

The following condition is suggested to regularise the opening hours:

The premises shall not be open to customers or any other visiting member of the public except between the hours of 06.00am to 00:00 daily.

Reason: In the interest of neighbouring amenity and local amenity.

**Rebuttal Note for: Acoustic Consultancy Report dated 22.12.2015**

**Summarised as follows:**

Our response is given below:

**Noise Monitoring Position and Assessment Locations**

Queries regarding the monitoring position used and the need to consider the residential properties on the opposite side of Higham Road -to better understand the selection of the monitoring position and assessment position, a brief overview below of the methodology and the aims of each stage of the process is provided:

1. Undertake noise monitoring to establish the existing noise climate affecting the nearest dwellings, prior to the new activity taking place.
2. Establish the new activity noise levels at the most affected dwellings. In this instance, this has to be based on noise data obtained by measurement at other Asda PFS sites, with the noise data corrected for additional distance and line of sight etc.
3. Compare the new activity noise levels to the existing noise climate - the greater the activity noise exceeds the existing noise climate, the greater the impact.

The dwelling with the quietest existing noise climate and highest activity noise level will be the most affected and will give the worst case assessment. In this case a monitoring position at the rear of the PFS site, adjacent to the Chichele Court flats
was furthest from Higham Road (a dominant noise source) and therefore gave the lowest existing noise climate.
The new PFS activity noise levels would also be highest at Chichele Court, the closest dwellings to the centre of the PFS canopy.
The houses on the other side of Higham Road, these are likely to have a higher existing noise climate due to closer proximity to Higham Road, plus a lower activity noise level from the new PFS due to greater distance to the centre of the canopy with the result in a reduced impact compared to Chichele Court.

LAFmax noise levels from the PFS activity
Queries relating to the 60 dB LAFmax World Health Organisation (WHO) night time noise criteria would only apply to a point outside bedroom windows, for the night time period (23.00 to 07.00 hrs, as defined by WHO).
PFS delivery tankers are to be restricted to daytime only, so the criteria would only apply to PFS car/customer activity at night.
Concerns are based on the 66.4 dB LAFmax PFS activity noise data given in Appendix C of the Acoustic consultancy Report - this is the noise level at 10m from the activity, which must be corrected for the increased distance to the façade of the residential property, plus any shielding etc.
It is assumed that RPA (Chichele Court flats) would have full line of sight to the activity:
Applying the distance correction would reduce the noise level to 57.5 dB LAFmax, as confirmed within section 9.6 of the report below the WHO 60 dB LAFmax criteria at the nearest, most affected dwelling.

Discussion with Environmental Health: Senior Environmental Protection Officer at East Northamptonshire Council
The officer is in full agreement with our assessment methodology and conclusions.

Officer conclusion

The issues raised at the previous Committee Meeting (30.03.2016) have been satisfactorily addressed, subject to the addition of the following conditions:

The premises shall not be open to customers or any other visiting member of the public except between the hours of 06:00am to 00:00 daily.
Reason: In the interest of neighbouring amenity and local amenity.

Notwithstanding the submitted details and prior to the occupation of the retail concession unit, full details of the nature of the A1 retail business and any refrigeration/ventilation/condenser plant shall be submitted to and approved in writing by the Local Planning Authority. The retail unit shall thereafter be operated in accordance with the details so approved and any subsequent refrigeration/ventilation/condenser plant will require consent from the Local Planning Authority.
Reason: In the interest of neighbourhood amenity.
APPENDIX 1: Previous Report to Committee on 30 March 2016

This application is reported to the Planning Management Committee by Councillor A. Mercer at the request of Ward Members.

1    Summary of Recommendation

1.1 That planning permission is GRANTED subject to conditions.

2.    The Proposal

2.1 The application seeks planning permission for the refurbishment and rebranding of the existing petrol filling station to include the demolition of the forecourt canopy, associated kiosk, garage service station and car wash to be replaced by:
   • a new forecourt
   • kiosk with external storage area
   • retail concession unit
   • ATM
   • air and water unit
   • vacuum unit
   • customer parking bays
   • lighting
   • CCTV
   • revised boundary treatments
   • replacement underground fuel tanks.

2.2 A jet wash which was included in the description of works has since been removed from the scheme, in the interest of residential amenity. Two additional parking spaces have been added to the scheme in its place.

2.3 This application does not include advertising and signage details. This would be dealt with under a separate application, if formal consent is required.

3    The Site and Surroundings

3.1 The Bridge Service Station is situated on the eastern side of Higham Road, Rushden. The immediate area is characterised by a mixture of commercial and residential properties comprising a residential care home to the north, a block of flats to the east, a furniture showroom to the south, detached dwellings to the west and a large Asda store to the south west. The petrol filling station has been in operation since the early 1960s.

4    Policy

4.1 National Planning Policy Framework
   Section 1 - Building a strong, competitive economy
   Section 2 - Ensuring the vitality of town centres
   Section 7 - Requiring good design.

4.2 North Northamptonshire Core Spatial Strategy
   Policy 1 - Strengthening the network of settlements
Policy 11 - Distribution of jobs
Policy 12 - Distribution of retail development
Policy 13 - General Sustainable Development Principles

4.3 North Northamptonshire Joint Core Strategy (Emerging)
Policy 7 - Community services and facilities

5 Relevant Planning History

5.1 None

6 Consultations and Representations

6.1 Neighbours: Three objections received - to summarise:
• Operator would be Asda, although this is not stated in the application, so in-store promotions will lead to increased trade with a bearing on traffic flow/usage.
• We do not object to the PFS being operational during normal daytime hours, as per the existing arrangement.
• We do object to the proposed 24 hour trading.
• This is residential area and the proposal would generate more noise, fumes and light pollution - substantial impact on local amenity and enjoyment.
• As it will be an Asda facility - there is a history of them failing to comply with agreed planning conditions - leading to enforcement action - ongoing issues with main Asda Store with regard to adherence to agreed delivery hours/engines left running/non-compliance with LPA conditions covering engines/times/noise/deliveries.
• We question the accuracy of calculations (usage figures) provided.
• There are many contradictions in the Transport Statement and covering letter.
• The site/location plan incorrectly refers to High Street instead of Higham Road - alleging Town Centre development - whereas it is principally a residential area.
• Acoustics report has relied on the Transport Statement for predicting noise levels - this has been underestimated due to increased activity on the site.
• Application should take into account the mixed use area (commercial and residential).
• Acoustics Report misleading - it argues that ambient noise levels would mask average activity - whilst this may be the case during the day - these levels are not present at night.
• We seek clarification of delivery times and restrictions:-
• Page 3 of Noise Impact Statement assumes tanker delivery will be 24/7
• Page 4 concludes by restricting tanker deliveries between 7.00-23.00 Monday to Saturday and 9.00-19.00 on Sundays.
• Currently there are "virtually no deliveries" between 6.30 -17.00 - anything different would be a material change and detrimental to local residents.
• No mention of other delivery vehicles to the site.
• Proposed lighting will have a "direct and detrimental" impact on properties to the west side of the road, the lights are now turned off when current petrol station closes at 20.30 Monday to Saturday and 19.30 on Sunday and there is only low level security lighting at present.
• Whilst this application does not include signage and the extra lighting that would entail - we would envisage a large area of lighting over the fuel
pumps and retail area would be detrimental to the enjoyment of our property.

- 24/7 trading will require full lighting of the whole site in hours of darkness
- The properties at 1, 3 and 5 Higham Road, with first floor bedrooms overlooking the site, will experience substantial detrimental impact on their amenity - as compared to the current situation.
- Provision must be made to control light installation - height and direction should be controlled - currently there is limited light pollution and traffic noise during night time hours.
- No details supplied of type, height size and means of illumination of external advertising.
- Town Council have no objection subject to there being no impact on local residents - this will have a detrimental impact.
- Currently only low level passing traffic at night - if the PFS is open 24/7 then traffic will be passing, stopping and starting, doors banging and talking - all of which is not experienced.
- An assumption has been made by Town Council that readings recorded in the Acoustic Assessment and Transport Statement concluding that only properties to be affected would be the flats in Chichele Court (northeast of the site), would be the only neighbours affected. The loss of amenity to the properties to the west must be taken into account (built in 1920/30s before PFS).
- The diagram in Transport Statement does not acknowledge the properties on Higham Road.
- TS states that most journeys to a PFS are usually undertaken in conjunction with trips elsewhere - where would people be going between 11 pm and 5 am?
- TS suggests that the current kiosk is a general retail space - in reality stock levels attract little, if any custom from pedestrians - virtually all sales associated with the purchase of fuel.
- Proposed larger retail unit and increase in number of pumps along with association with the Asda store would greatly increase traffic flows in and out of the site causing traffic congestion and increased noise levels - this is of great concern as well as potential increased footfall.
- Merchandise offered in the "concession" would be focused on "top-up" convenience shopping - leading to increased activity outside Asda store hours.
- 24/7 trading - why should this be permitted when it would have such a detrimental impact on residents on North Road and Higham Road?
- Will retail kiosk be licensed to allow for the sale of alcohol? We would object strongly to this.
- We would suggest that the opening hours for convenience store and filling station be limited to normal trading hours of the Asda store.
- Retail concession should be rejected.
- Lighting and signage should be restricted.
- Would Asda operate a Click and collect on this site - this would have a greater detrimental impact on residential amenity - we would object strongly.
- Higham Road already very busy and congested during the day due to three sets of uncoordinated traffic lights between Washbrook Road and John Clark Way - increased traffic flows would be the result of Asda operating this PFS.
- No objection to a redevelopment of site which would operate at the current operating hours.
• We object to proposed extended hours of operation.
• We seek clarification on delivery time restrictions.
• We object to an enlarged PFS with convenience store.
• We object to oil tanker deliveries up to 11pm - these should be restricted to no later than 5pm as in current situation.
• ATM would attract more custom overnight - TS and AR do not take these visits into account. The necessary night time security lighting would be intrusive to properties to west.

6.2 Rushden Spencer Ward Councillor - summarised as: I have no objection to the proposed petrol station. My concern is the quality of life for residents in Higham Road with 24 hour operation. At present I am reliably informed that the petrol station operates between 7am and 8.30pm. I understand you are checking this point. In my opinion reasonable operating hours would be 7am to 10.30pm. I understand from the reports on the website that the receptor for noise monitoring is positioned near the flats at the rear of the petrol station. The readings obtained would be lower at that point because of the building in between. In my opinion a receptor should be positioned at the properties opposite the petrol station as there would be no restriction in the travel of sound. A comparison between the two would be useful.

6.3 Rushden Town Council: No objections - Members agree in principle as long as there is no loss of amenity for existing flats.

6.4 Environment Agency: Summarised as - no objections but comments supplied summarised as: the site lies approximately 120m to southwest of historic landfill called EMGAS, Shirley Road - the applicant may wish to assess any risk posed from this Category A and possibly category B and C waste site. In accordance with PPG27 we recommend removal of underground storage tanks which will not be used again - bases and sides of the evacuations should be tested to assess if any residual risk is posed from potentially contaminated ground. We recommend that developers should follow risk management framework provided in: CLR11, Model Procedures for the Management of Land Contamination EVA Guiding principles for land contamination GOV.UK - contaminated land pages.

6.5 Campaign for Dark Skies: Initial comment received - summarised as: does not consider that the full cut-off LED lighting on the columns will cause undue glare or waste light into neighbouring properties, Additional comment - summarised as: recommend a curfew time is agreed for trading hours and all advertising lighting is switched off outside the agreed hours. To conform to Section 102 CNE act 2006, NPPF paragraph 125 and to protect the amenity of nearby residents.

6.6 Environmental Protection - summarised as: Noise: with regard to the noise assessment dated 22 December 2015: paragraph 12.3 covering tanker deliveries - I would suggest a condition limiting fuel tanker deliveries between 07.00 - 23.00 hours Monday to Saturday and 09.00 - 19.00 on Sundays.
The proposed Jet Wash facility to the south of the site has not been included in the Acoustic report but has the potential to cause noise - an assessment is requested.
Demolition: I would suggest a condition is placed on any consent to minimise dust.

Construction: I would suggest a condition restricting the hours of construction.

Permit: The PFS will require an environmental permit issued by ENC.

In summary - a full response cannot be issued until full details of the Jet Wash are received.

Storage tanks: No objection to this application however no environmental information has been submitted therefore conditions should be imposed, if granted, to ensure safe delivery of the project - these should investigate and remediate contamination if necessary.

Vacuum unit is not included in the Acoustic Report - suggest that this is conditioned to request noise assessment - limit hours of operation to between 06.00 - 20.30 hours Monday to Saturday and 08.00 - 19.30 hours on Sunday. WHO night time noise levels, quoted in neighbour's response, the highest predicted noise level from proposed development should not exceed 60dBLAFmax. Based on the noise report we would have no grounds to object.

6.7 NCC Highways: Initial response - summarised as: No objection in principle but increased number of pumps will limit the manoeuvring space for delivery tankers - need more servicing details including tracking and how site will be managed whilst tankers are refuelling. Also I would need to see proposals for how accesses will work and tracking for the parking bays.

Further comments received: we have now received tracking information for the 4 car parking spaces and servicing of the site by a tanker and are now satisfied that adequate manoeuvring space is available.

However the parking space immediately adjacent to the northern entry-only access provides poor visibility for drivers turning left into the site and cars reversing to leave the parking space, and may lead to cars reversing onto the footway which could endanger pedestrians. This space should be made unusable by kerbs and bollards to ensure it cannot be used as a parking area.

The access arrangements have been clarified such that the northern access will operate as an entry only and the southern access will be exit only. Suitable signage within the site will be required to make this arrangement clear as there are no existing restrictions on access. However there is no reason that this access arrangement should not work effectively and is likely to be self-enforcing.

We would still need to see a site management plan showing how customers would be prevented from using the pumps affected by refuelling or if there is a policy to close the site entirely while re-fuelling is occurring. This is to prevent the tanker having to wait in the highway if the pumps are being used

The site is currently used for car servicing and this use will cease as a result of this application. This will allow parking to be provided for the retail element of the development. The 4 spaces provided is a slight under-provision (1 per 20m2 is required for a non-food retail use which equates to 5 spaces, and 1 per 14m2 for food retail which is 7 spaces), however this is balanced by the reduction in demand by the loss of the car servicing use, and the fact that many trips will be linked for example re-fuelling and retail carried out together.

The site is well located for walking and cycling and close to parking facilities in the nearby Asda supermarket.

There is likely to be a small increase in trips as a result of the development however this will only have a minor impact on the surrounding highway.
We have no objection to this development subject to a site management plan being provided, details of signage for the access and measures to prevent parking in the space adjacent to the entry to the site.
With reference to the revised plan 200(04) revision A which shows the jet wash facility removed and 2 additional car parking spaces provided, and the removal of the parking space immediately adjacent to Higham Road.
This revision improves the overall parking provision on the site to 6 spaces and removes use of the space which may have created conflict between reversing vehicles and vehicles entering the site. The removal of this parking space should be conditioned to be carried out prior to first use of the site under this planning permission.
Please consider imposing a condition that if employees of the new PFS and concession travel to site by car that they have to park off site. A condition should also be imposed to provide cycle parking for 4 cycles.

6.8 Northamptonshire Police: Comments received - summarised as: No formal objection to the application in its present form. However I would suggest conditions placed on any consent to cover security matters as a minimum requirement. The following conditions should be attached to the consent:
The ATM will be supplied and installed in line with the ATMSWG guidance document; external CCTV will include a dedicated camera covering the ATM and rear staff door; internal CCTV will be provided and will include the ‘back of house’ areas; an intruder alarm system will be installed including panic buttons in Back of House areas and at the tills; Back of House areas will be secured with certified secure door sets at both internal and external access points; the external store access door will be secure and fitted with access control; secure cycle hoops will be provided and installed in a location benefitting from good natural surveillance and CCTV coverage.
A lux report, to ensure the security of the ATM, will be required to ensure adequate safety and security on site.

7. The following considerations are relevant to the determination of this application

7.1 Principle of development

The NPPF describes the presumption in favour of sustainable development and where the proposal accords with an up to date development plan that planning permission should be granted without delay. The development plan covering the site includes the North Northamptonshire Core Spatial Strategy, saved policies from the East Northamptonshire Local Plan and the emerging North Northamptonshire Joint Core Strategy.

7.2 The principle of the petrol filling station (PFS) use, with the associated sales kiosk is established on this site and has been in operation for some 55 years. The attached vehicle service/MOT centre will be demolished, under this proposal. The application proposes to refurbish and rebrand the PFS and to offer a range of convenience goods within the 56sqm sales kiosk. As well as a 93 m² retail concession unit, the proposal includes an ATM, external storage area as well as air/water and vacuum units. A jet wash facility, originally proposed in the submitted application, has since been removed from the scheme. Given that the site falls outside the town centre (as defined in the
adopted East Northamptonshire Local Plan 1996 - whilst not a saved policy - this definition has not been amended), the site cannot be considered in the context of a town centre application. However given that the footprint of the proposed retail concession would be less than 100m2 - a retail unit of this size would have limited impact on the town centre some 240m to the south. With regard to impact on neighbourhood amenity, whilst no details of the proposed operator of this unit have been provided, this addition would fall in line with other local (out of town) convenience stores operating within the town. A condition attached to this consent will limit opening hours and request full operating details of the retail concession.

8 Visual impact on the street scene

8.1 This application proposes the demolition of the existing petrol filling station, associated kiosk, garage service station and car wash to facilitate the construction of an upgraded petrol filling station forecourt and canopy. The main changes would include the addition of two further petrol pumps (4 filling points), an upgraded associated kiosk of 56 m2 (incorporating an external storage area) and an attached retail concession unit of 93 m2, an ATM, air and water unit, vacuum unit, six customer parking bays (to include one space for the disabled), pole lighting/CCTV and updated boundary treatments. The existing underground fuel tanks would be removed and replacement fuel tanks installed.

In terms of impact on the character and appearance of the area, the immediate area comprises a mixture of residential and commercial properties. The improved, contemporary design of the PFS would not therefore have an unacceptable impact on the character and appearance of this edge of town centre location as it would represent an upgrade to the established petrol filling station. Complete details of the rebranding exercise - signage and canopy lighting - do not form part of this application and will be addressed under a separate application.

8.2 The four pole mounted LED down lighting columns would be spaced around the perimeter of the forecourt area on 7.7m high poles, alongside four 5.8m poles with dome head style CCTV cameras above. The CCTV poles would be fitted with anti-climb deterrent spurs.

8.3 The proposed forecourt canopy would be of a standard design for a PFS. At 5.35m in height, the same height as the existing canopy. This element would not have an unacceptable impact on the street scene.

8.4 Given that the works and improvements would be of similar, though more contemporary design, to the existing petrol filling station the proposal would have an acceptable impact on the character and appearance of the street scene.

9. Neighbouring amenity

9.1 Given that the proposed upgraded petrol filling station would be of similar scale and design as the existing, long-established business, the single storey kiosk, attached concession and forecourt canopy - none of which would be in excess of the scale and height of the existing - would not introduce any overshadowing or overbearing impact on the neighbouring residences or businesses.
9.2 Lighting: Four pole-mounted columns would be spaced around the perimeter of the forecourt area on 7.7m high poles. From the information provided the LED down-lights would project to the ground area in front of the mounting - towards the forecourt and away from the surrounding properties with the purpose of providing light for safety and security during the hours of darkness. The forecourt canopy and signage will be addressed under a separate application. The Environmental Protection Team has not raised any objection to this lighting. There would not be an unacceptable impact on neighbouring amenity as a result of this aspect of the proposal.

9.3 Noise issues: An Acoustic Report was submitted as part of this application. The applicant's Agent has confirmed that the recording of noise levels was conducted in a position adjacent to the nearest residential property - the most sensitive receptors, as per BS regulations. In this case the most sensitive receptor was Chichele House, the block of flats to the north east of the site. In reviewing the neighbours' concerns, the applicants Agent has responded to stand by the data contained in the submitted Acoustic Report. The council's Senior Environmental Protection Officer has addressed the comments from neighbourhood objectors with regard to the question of the World Health Organisation night time noise levels. The Acoustic Report, carried out by a competent Acoustic Consultancy, reports that the highest predicted noise level from proposed development should not exceed 60dBLAFmax. Based on this noise report, the council's Environmental Protection Team would have no grounds to object.

9.4 As this application proposes that the PFS would be open for 24 hours, 7 days per week, residents to the west, on the opposite side of Higham Road have objected to the proposal on the grounds of increased impact on residential amenity at night. However, the existing PFS has been operating for the past 55 years without any restrictions on the opening hours which would allow the current applicant to open for 24 hours a day without any further consent. Therefore, this application cannot address the proposed opening hours and can only ensure that any mitigation measures designed to protect neighbouring amenity are implemented. As the retail concession unit is additional development to the existing PFS, the hours of operation can be restricted - as well as the delivery hours - by means of an attached condition.

9.5 A Jet Wash had been proposed to the south east of the site. This was of concern to our Environmental Protection Officer with regard to potential noise issues. However in discussions with the Agent, with regard to specific noise readings for this facility, it was decided that the applicant would remove this aspect of the proposal in the interest of residential amenity.

10 Highways issues

10.1 In the Highways Officer's initial response, he had no objections to the proposal in principle but had concerns regarding the increased number of pumps which would limit the manoeuvring space for delivery tankers. At his request, the applicant provided details including tracking and site management for when tankers are refuelling, as well as proposals for the designated in and out accesses as well as tracking for the parking bays. After visiting the site, the Highways Officer raised further questions regarding the manageability of
vehicle movements around the site. In response, the Agent confirmed that the PFS upgrade proposes a one-way clockwise operation to prevent two way traffic conflicts. In the TS a swept path graphic which shows the progression of an articulated tanker vehicle through the site, assuming that the vehicle would enter through northernmost entrance, unload under PFS canopy adjacent to second row of filling pumps and then exit onto Higham Road through southernmost exit. This would allow refuelling by customers and tanker deliveries to take place simultaneously.
Cars parking in the northernmost spaces would enter and exit the PFS in accordance with this analysis, passing the pumps as they do so.
He is now satisfied that the tankers can service the site without having to reverse into the highway with appropriate directional signage in place. A condition attached to this consent will request a site management plan to confirm this arrangement. Since the proposed jet wash has been removed, two additional parking spaces have been created in its place. The total of six spaces - to include one mobility space - has removed Highways' concerns regarding the parking provision. An attached condition will request that employees park off site to leave the parking spaces for customers.

11 Security

11.1 Our Northamptonshire Police Crime Prevention Design Advisor responded that he had no formal objection to the application but had some concerns. He therefore suggested conditions placed on any consent to cover security matters as a minimum requirement. The following conditions were stipulated to be attached to the consent:
The ATM will be supplied and installed in line with the ATMSWG guidance document; external CCTV will include a dedicated camera covering the ATM and rear staff door; internal CCTV will be provided and will include the 'back of house' areas; an intruder alarm system will be installed including panic buttons in Back of House areas and at the tills; Back of House areas will be secured with certified secure door sets at both internal and external access points; the external store access door will be secure and fitted with access control; secure cycle hoops will be provided and installed in a location benefitting from good natural surveillance and CCTV coverage
A lux report, to address illumination to support CCTV/ANPR images will be required to ensure adequate safety and security on site. After some email correspondence with the applicant's Agent in an email dated 14.03.2016 an agreement was reached. A condition attached to this consent will request these measures are implemented.

12. Operating times

12.1 In the interest of residential amenity the following restrictions have been added by condition:
Retail Concession
The proposed concession unit hours of operation shall be limited to between the hours of 06.00 - 00.00 on any day.
Delivery
The proposed delivery hours for fuel tankers shall be restricted to take place between the hours of 07.00 - 23.00 Monday to Saturday and 09.00 - 19.00 hours on Sundays. Deliveries for the concession unit can take place between
the hours of 07.00 - 23.00 Monday to Saturday and 09.00 - 19.00 hours on Sundays, as per the fuel tanker deliveries.

Vacuum unit
The vacuum unit shall be used only during the hours of 06.00 - 20.30 hours Monday to Saturday and between 08.00 - 19.30 hours on a Sunday

13. **Other issues**

13.1 The numerous objections received from neighbours have been addressed within the body of this report. In summary, although there was no objection to the refurbishment and upgrade to the existing petrol filling station, the main concern was the perceived loss of neighbourhood amenity due to the proposed 24 hour trading for 7 days per week. As the existing business has been in operation since the early 1960s, no limitations on operating hours have been imposed historically. Therefore the question of 24 hour operation is not a material consideration in this proposal and cannot be addressed.

14 **Recommendation**

14.1 It is recommended that planning permission is GRANTED subject to 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. Notwithstanding the submitted details and prior to commencement of the development hereby permitted, details of the external finishes for the petrol filling station to include the kiosk, canopy, pumps and retail concession including the colour and finish details for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The petrol filling station shall thereafter be constructed in accordance with the details so approved.
   Reason: To achieve a satisfactory elevational appearance for the development.

3. Notwithstanding the submitted details and prior to the commencement of development, full details of the surface water drainage to serve 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 approved details.
   Reason: To ensure that flood risk is not increased elsewhere and in the interest of highway safety.

4. The six parking spaces detailed on the drawing: (200)04 Revision A as submitted to the Local Planning Authority on 24.02.2016 shall be constructed and made available for use and thereafter retained in accordance with the approved details in perpetuity.
   Reason: In the interest of highway safety.
5. Notwithstanding the submitted details, prior to the commencement of the scheme hereby permitted, full details of the landscaping scheme for the area to the north of the designated entrance to the site, to prevent vehicles parking adjacent to the designated entrance, shall be submitted to and approved in writing by the Local Planning Authority.  
    Reason: In the interest of visual amenity.

6. Employees of the petrol filling station and retail concession shall park their vehicles off site. A minimum of four cycle parking spaces shall be provided to serve all employees and customers of the PFS and retail concession, hereby permitted, prior to the redeveloped site being brought back into use and thereafter permanently retained.  
    Reason: To ensure that the parking facilities provided are available to patrons of the petrol filling station.

7. The development shall be carried out in strict accordance with the drawings to which this decision relates: Drawing Nos.
   A15-38 RD (100) 01 B received by the Local Planning Authority on 23.02.2016;
   A15-38 RD (200) 04 A received by the Local Planning Authority on 24.02.2016
   A15-38 RD (400) 01 A,
   A15-38 RD (200) 05 A,
   A15-38 RD (300) 03 A,
   A15-38 RD (500) 01 A received by the Local Planning Authority on 14.12.2015;
   A15-38 RD (300) 02 A received by the Local Planning Authority on 11.03.2016.
    Reason: To clarify the terms of this permission.

8. Prior to commencement of the development hereby permitted, a scheme of management and servicing of the petrol filling station with regard to petrol tanker deliveries shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details in perpetuity.  
    Reason: In the interests of highway safety.

9. Prior to commencement of the scheme hereby permitted an addendum to the submitted Noise impact assessment to assess the noise potential from the vacuuming unit shall be submitted to and approved by the Local Planning Authority. If mitigation measures are recommended these shall be implemented in accordance with the report. This vacuum unit shall be used only during the hours of 06.00 - 20.30 hours Monday to Saturday and between 08.00 - 19.30 hours on a Sunday.  
    Reason: In the interest of residential amenity.

10. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing: a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant
linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion. b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR11’.

Reason: To ensure potential risks arising from previous site uses have been fully assessed

11. Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model procedures for the Management of Land Contamination, CLR11’.

Reason: To ensure the proposed remediation plan is appropriate.

12. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol.

13. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards.

14. If during redevelopment, contamination not previously considered is identified the Local Planning Authority shall be notified immediately and no further work shall be carried out until a remediation strategy detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The remediation strategy shall thereafter be implemented in accordance with the details so approved.

Reason: To ensure all contamination within the site is dealt with.

15. No redevelopment shall commence until a scheme for the installation of the underground tanks has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of excavation, the tanks, tank surrounds, associated pipework and monitoring system. The scheme shall thereafter be fully implemented and maintained in accordance with the scheme so approved or any changes subsequently agreed in writing by the Local Planning Authority.
Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with the proposed land uses.

16. No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 08.00 and 18.00 hours Mondays to Fridays and 08.00 and 13.00 on Saturdays and at no times on Sundays and Bank Holidays.
   Reason: In the interest of local amenity and residential amenity.

17. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include (but not be limited to) details which specify the provision to be made for the following:

   i. Location and details of contractors’ compounds, materials storage and other storage arrangements for plant, equipment and other related temporary infrastructure;
   ii. Designation, layout and design of construction access and egress points;
   iii. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
   iv. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
   v. Details of daily volumes of traffic entering and leaving the site, including number and vehicle types;
   vi. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles and other similar debris on the adjacent public highways;
   vii. Details of the means of enclosure to be provided for the site during the construction for security and public safety;
   viii. Detail of measures to be adopted for the mitigation of dust; and
   ix. Details of the routing of construction traffic;
   The details so approved as part of the Construction Management Plan shall thereafter be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.
   Reason: In the interests of highway safety, residential amenity of the occupants in the surrounding residential properties and local amenity.

18. A scheme to ensure the security of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of the petrol filling station. This shall include the provision of a scheme of CCTV for the vulnerable areas and measures to ensure the security of the external ATM pod to be provided. Further to this security cameras and alarms shall be installed to the "back of store" area of the kiosk and retail concession. The development shall thereafter be carried out in accordance with the details so approved before any of the retail concession, kiosk, walkways or petrol filling station areas are first brought into use.
   Reason: In the interest of prevention of crime and anti-social behaviour.
Informatives

1. 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 main concerns with regard to this application were the highways implications of operation during tanker deliveries, a fifth parking space adjacent to the site entrance, security issues and the potential noise implications of the jet wash. After liaising with the applicant's agent, the jet wash was removed in the interest of residential amenity and with the imposition of conditions the highways and security concerns have been overcome.

2. The applicant's attention is drawn to the fact that no works within the existing adopted highway, maintainable at 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, to form the promoted improvements to widen the existing vehicle access arrangements within the adopted highway.

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 period to allocate road space (for works within the adopted highway) is formally given prior to the commencement of works.

3. The applicant's attention is drawn to the fact that no detail of advertising or signage and the associated lighting has been addressed under this application and a separate application will be required.

4. Historic Landfill: the site lies approximately 120m to southwest of historic landfill called EMGAS, Shirley Road - the applicant may wish to assess any risk posed from this Category A and possibly Category B and C waste site.

In accordance with PPG27 we recommend removal of underground storage tanks which will not be used again - bases and sides of the evacuations should be tested to assess if any residual risk is posed from potentially contaminated ground. We recommend that developers should follow risk management framework provided in: CLR11, Model Procedures for the Management of Land Contamination EVA Guiding principles for land contamination GOV.UK - contaminated land pages.

5. The applicant is advised that the petrol filling station will require an environmental permit to be issued by East Northamptonshire Council.
APPENDIX 2 Previous Committee Update Sheet 17 February 2016

From the update sheet issued on the day of the 30.03.2016 meeting

In an email received on 17.03.2016 the applicant’s Agent informed us that:
"following the finalisation of contracts, that it is intended for Asda to be the end users
of the petrol station. We are, as yet, unable to confirm who will be operating the
concession unit. An advertisement application will follow in due course should
permission be granted."

Condition 8 requests a service and delivery management plan:

Prior to commencement of the development hereby permitted, a scheme of
management and servicing of the petrol filling station with regard to petrol tanker
deliveries shall be submitted to and approved in writing by the Local Planning
Authority. The scheme shall thereafter be implemented in accordance with the
approved details in perpetuity.
Reason: In the interests of highway safety

The applicant’s agent forwarded a plan for the attention of the County Highways
Engineer – to remove the need for this pre-commencement condition. His response
received on 23.03.2016 follows:

I would like to see more detail regarding how stock and fuel deliveries are managed,
particularly how the site will be managed to allow service vehicles and tankers to
enter the site and unload/refuel tanks without having queue in the highway or drive
on and return to the site. This should be able to be managed by coning off part of the
forecourt and filling positions in advance of deliveries.

Ward Member Councillor Dorothy Maxwell sent the following comments on
24.03.2016 – summarised as:
As the Ward Councillor for Spencer Ward, I have concerns regarding the application,
having visited the neighbours opposite and next door:

• Submitted noise report quotes the Noise Policy for England (NPSE) 2010
which states that good health and quality of life should be promoted through the
effective management of noise within the context of Government policy on
sustainable development. Whist current opening hours are not an issue for the
neighbours, their sleep will be disturbed due to the continuous noise from the
activities at the garage overnight. I have spoken to the Agent directly and requested
that the PFS is shut overnight between the hours of 11pm to 6am to allow the local
residents to sleep. Whilst the Planning Department has no control over the opening
hours, I would hope that Asda would consider the residents’ needs.

• World Health Organisation Guidelines for Community Noise state that noise
levels should follow BS 414.2014 Methods for rating and assessing industrial and
commercial sound. This must be taken into account in determining this application
with regard to loss of amenity for the residents. When the readings were taken for
the noise report these did not take into account potential noise levels after this
scheme is implemented – the readings were taken in December 2015 when the
garage closed at 8.30pm.
• The Localism Bill (2011) ensures that residents should have a say in changes in their area – in this case the loss of amenity due to noise levels preventing sleep.
• Lighting and signage will be determined under a separate application – residents wish to be consulted.
• In a conversation with the Agent on 23.03.2016 they still could not confirm who would be running the concession. I have concerns that this could be an off-licence or takeaway.
• I feel that Highways are mistaken in their assumption that this application will not cause increased traffic problems – due to current congestion on the Higham Road.

Note Paragraph 9.3 of the Officer’s Report addresses the noise potential and includes the response from the Council’s Environmental Protection Officer with regard to:

“...WHO night time noise levels, quoted in neighbour's response, the highest predicted noise level from proposed development should not exceed 60dBANmax. Based on the noise report we would have no grounds to object.”

Request from the Chair of Development Management Committee to consider a condition to monitor noise levels at night.

Officer’s Note:
As this would be un-enforceable under Planning Enforcement, the Environmental Protection Officer was consulted as to whether any form of control could be imposed under the Environmental Permit. I was advised that this permit could not include noise monitoring.

30.03.2016 Email from the Applicant’s Agent:
“Following our review of the committee report and some discussions with local Councillors we would like to amend the proposed opening hours of the PFS to 6am-midnight.”

This would address the majority of the local resident’s concerns.
Committee Report

Case Officer  Rosalind Hair

Date received  5 November 2015  Date valid  10 November 2015  Overall Expiry  9 February 2016  Ward  Kings Forest  Parish  Deene

Applicant  Rockingham Land Ltd
Agent  Terence O'Rourke - Mr Andrew Elliott
Location  Car Park And Land Rockingham Motor Speedway Mitchell Road Corby Northamptonshire

Proposal  Outline planning application for the development of an employment park comprising up to 121,703sqm (gross) floorspace for light industrial, general industrial (automotive production) and storage/distribution uses (all matters reserved) (revised scheme 15/00976/OUT)

This application is reported to the Planning Management Committee because it falls outside the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2015).

The application was deferred at the 30th March Committee to resolve outstanding issues relating to highway matters and proposed conditions. The Committee report (below) has been amended and updated to take account of the 30th March update report and subsequent information.

1. Summary of Recommendation

Subject to receipt of satisfactory comments from the Highway Authority and agreement of a s106 capped contribution figure for a bus service (prior to Committee);

Recommendation 1
If a satisfactory legal agreement (or similar) is submitted by 29.04.16 which secures obligations as set out in this report: GRANT planning permission subject to conditions.

Recommendation 2
If a satisfactory legal agreement (or similar) to secure obligations set out in this report is not submitted by 29.04.16 (and an alternative date is not agreed) Delegate to Head of Service to REFUSE.

2. The Site and Surroundings

2.1 The application site extends to 30.7 ha and consists of an area of hardstanding at Rockingham Motor Speedway. Part of the Corby North Orbital Road (CNOR) is also included in the site area ('red line') as it is intended to provide the vehicular access. This section of road has been constructed but is not adopted Highway. To the north of the application site is Gretton Brook Road, Gretton Brook and the Brookfield plantation (a local wildlife site). There is a new age traveller site to the north east on the opposite side of Gretton Brook Road. To the east is Rockingham Motor Speedway. To the south there are industrial and commercial buildings beyond an area of undeveloped land and the Willow Brook. To the west is an
established industrial estate, with a recently constructed distribution centre closest to the site and beyond that a power station.

2.2 The site is a backfilled former quarry and there are engineered landfill cells within it. The site does not fall within a Conservation Area or other designation and there are no protected trees within the site. A small part of the access lies within floodzones 2 and 3 (in the region of the Willow Brook) and a part of the site lies within a 'potential' wildlife site (refer to ecology section of report).

2.3 The main body of the site is fairly flat, with levels tending to fall away from a high point just west of the Speedway down to the Corby North Orbital Road and Gretton Brook Road which are at lower levels. The site is generally elevated in relation to adjacent areas.

2.4 The closest listed asset is grade II listed Weldon lodge approximately 900m east of the site. Kirby Hall and grounds (including the grade I listed hall and II* park and garden) are located approximately 2km north east of the site.

3. Proposal

3.1 This is an outline planning application with all matters reserved. The proposal is for the development of an employment park comprising up to 121,703 square metres floorspace of B2 (specifically automotive production), B1c light industrial and B8 storage and distribution, along with ancillary infrastructure. The application is a revised scheme following the withdrawal of application 15/00976/OUT which proposed general B2 and B8 uses. The relative proportions of each use are not known at this point, as this is a speculative application.

3.2 A ‘zoning’ plan (000-02-Rev06b) has been submitted for approval. Building zones are identified on the plan with maximum heights of either 15m or 18m. Strategic landscaping and an attenuation pond are also identified on the zoning plan and a route through the site (north-south) is reserved as a potential footpath/cycle link.

3.3 The application is accompanied by an illustrative landscape masterplan with sections and two indicative layout drawings to illustrate alternative potential layouts. These drawings would not be binding on the developer; however they illustrate options of how the site could potentially be split into four building plots with a ‘hub’ space.

3.4 Although access is a reserved matter, it is intended that vehicular access would be via the Corby North Orbital Road. A pedestrian/cycle link is proposed to link east with Mitchell Road (the current access to the site).

4. Information

4.1 Part of the application site lies within Corby Borough. An identical planning application has therefore been submitted to Corby Borough Council for determination of the part of the development which falls within their district (this being the intended footway/cycle way to Mitchell Road and part of the Corby North Orbital Road).

4.2 Revised plans and information have been received during the course of the application. Relevant consultees and interested parties have been re-consulted.

5. Policy Considerations

5.1 National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
5.2 North Northamptonshire Core Spatial Strategy (NNCSS):
Policy 1 – Strengthening the Network of Settlements
Policy 3 – Connecting the Urban Core
Policy 5 – Green Infrastructure
Policy 6 – Infrastructure Delivery and Developer Contributions
Policy 8 – Delivering Economic Prosperity
Policy 9 – Distribution and Location of Development
Policy 11 – Distribution of Jobs
Policy 13 – General Sustainable Development Principles
Policy 14 – Energy Efficiency and Sustainable Construction

5.3 Rural North Oundle and Thraston Plan (RNOTP):
Policy 1 – Settlement Roles
Policy 3 – Comprehensive Development
Policy 5 – Transport Network
Policy 10 – Protection of Local Sites of Conservation Interest and Designation of Local Nature Reserves
Policy 11 – Enhancing Biodiversity
Policy 12 – Considerate Construction

5.4 Draft North Northamptonshire Joint Core Strategy 2011-2031:
Policy 1 – Presumption in Favour of Sustainable Development
Policy 2 – Historic Environment
Policy 3 – Landscape Character
Policy 4 – Biodiversity and Geodiversity
Policy 6 – Development on Brownfield Land and Land Affected by Contamination
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 9 – Sustainable Buildings and Allowable Solutions
Policy 10 – Provision of Infrastructure
Policy 11 – Network of Urban and Rural Areas
Policy 15 – Well-Connected Towns, Villages and Neighbourhoods
Policy 16 – Connecting the Network of Settlements
Policy 18 – HGV Parking
Policy 19 – The Delivery of Green Infrastructure
Policy 22 – Delivering Economic Prosperity
Policy 23 – Distribution of New Jobs
Policy 24 – Logistics
Policy 27 – Rockingham MRC Enterprise Area

5.5 Supplementary Planning Documents:
Northamptonshire Place and Movement Guide (NCC)
Parking (NCC)
Sustainable Design (NNJPU)
Planning Out Crime in Northamptonshire (NCC)
Trees and Landscape (WBC and ENC)
Biodiversity SPD (NNJPU)
Developer Contributions 2006 (ENC SPD)

5.6 Other Documents:
Rockingham Development Framework (2011) (CBC and ENC)
Northamptonshire Current Landscape Character Assessment (2010)
6. **Relevant Planning History**

- 15/00976/OUT - Outline application for the development of an employment park comprising up to 121,703 sqm (gross) floorspace in use classes B2 (general industrial) and B8 (storage and distribution) (all matters reserved) (WITHDRAWN)

7. **Consultations and Representations**

7.1 Neighbours: No representations received

7.2 Deene and Deenthorpe Parish Council: None received

7.3 Benefield Parish Council: No objection

7.4 Anglian Water: The waste water and sewerage system at present has available capacity for the flows. Advise LPA to consult with the Lead Local Flood Authority (LLFA) or Internal Drainage Board and the Environment Agency.

7.5 Northamptonshire Police: Highlight a range of issues to be considered now or at reserved matters stage, including:
- permeability
- location of paths
- security measures and surveillance
- lighting
- landscaping/planting
- use of CCTV
- implementation of recognised security standards

7.6 Historic England (HE): It is essential that the planning application contains an adequate assessment of the significance of heritage assets in a level of detail proportionate to the assets importance (NPPF 128). Your authority must be able to identify and assess the particular significance of any heritage asset that may be affected and should take this into account when considering the impact of a proposal. Emerging JCS policy 27 includes an amendment for development at Rockingham Enterprise Area to protect and where possible enhance the setting of Weldon Lodge and heritage assets and setting at Kirby Hall. HE welcomes the submission of the additional wireframe visuals. The wireframe taken from Kirby Hall access provides an illustration of the potential visual impacts of the proposed development within the context of existing modern development in the same view. HE notes that the LPA has not considered any heritage assets as potential noise receptor sites and advises that the ENC Conservation Officer can provide advice about aspects HE does not comment on. [Officer comment - Noise receptors identified are considered the worst case scenario – heritage assets are considerably further away. Noise will be further considered at reserved matters stage and robust conditions are recommended.]

7.7 Highways England: No objection

7.8 Climate Integrated Solutions (sustainability and energy consultant to ENC): No concerns with applicant’s interpretation of sustainability and energy policy or their intentions with respect to standards to be achieved at this stage. Recommend conditions to ensure compliance with energy/sustainability policy.

7.9 Environment Agency: No objection subject to conditions to deal with land contamination and foul drainage.

7.10 North Northamptonshire Joint Planning Unit: [Comments on original plans/information – No further comments have been received following re-consultation]. The modified Policy 27 seeks a mix of high quality employment uses, particularly in priority employment sectors (which include logistics). The B8 uses proposed in the current application are therefore
acceptable in principle, although the inclusion of some other uses and smaller employment units should be considered in line with Policy 27 and Policy 24, unless it is evident that these will be provided elsewhere within the Enterprise Area.

The JPU has some concerns that opportunities in relation to landscape and the approach to creating an active, usable part of Corby (which does not form a barrier to movement) have not been fully explored in accordance with the place-shaping principles in Policy 27:

- North – south GI links do not create usable public space/walkable routes through the development and need strengthening to create a stronger green structure.
- North-south GI corridors should be addressed more boldly, and integrated alongside other pieces of landscape, to create an overall landscape strategy.
- The southern edge of the scheme seems fragmented with little clear rationale. It needs to be seen as a linear continuous green corridor lining the road and addressing the new highway, suds and site edge.
- SUDS need to be integrated into the landscape and designed to be usable areas.
- Hub should be located so that it is more visible from the primary street, and woodland used to frame views of it, rather than block it. The space will likely lack enclosure, and its character seems harsh. For this space to work, it needs to be walkable for all units and needs significant reinforcing with trees so that it forms a focal space.
- Ensuring the units have their front doors onto the hub is critical so that they can support it as a more animated hub. Advisable to locate reception and access points on to one central point, as this would enable the bus stop to be located there.
- There is a need to create separation between the vehicle running lanes and the pavements.
- A segregated network of cycle-paths would help, would suggest that the green corridors could be used to provide safer and more pleasant separate routes.
- The site needs to be designed to allow for future flexibility. The spacing of junctions should be walkable distances from each other. Entrance points for each of the developed parcels should be located so that they allow for the creation of streets that could cross the parcels in the future (allowing services to be located in useful areas).

7.11 Dark Skies: When a full application is submitted in due course then, at a minimum, the following is recommended:

- ILP Guide to Light Pollution is observed and adhered to.
- Paragraph 125 of NPPF is adhered to.
- Conditions are set by ENC to ensure no glare or upward waste light is emitted from any exterior lighting within this entire development either at build stage or in the future.
- Dark Skies to be consulted on details in due course.

7.12 The Wildlife Trust: No objection subject to conditions to agree an integrated green infrastructure plan, a Great Crested Newt mitigation strategy, a fencing plan and an ecological management plan.

7.13 Natural England: No objection, subject to conditions to ensure:
- Provision of a green infrastructure strategy for the site including habitat creation, enhancement and long term management for great crested newts (GCN) which integrates with ecological mitigation in adjacent areas including the CNOR.
- Should GCN be found to be present in the ‘p-shaped pond’ immediately south of the site then the detailed development layout and green infrastructure strategy must ensure no net loss of core habitat within 50 metres of this pond and a habitat corridor should also be included along the southern site boundary with a minimum width of 30 metres to link this pond to other breeding ponds adjacent to the CNOR.
- The detailed site layout should include a habitat corridor along the eastern site boundary with a minimum width of 25 metres. The corridor is to link GCN habitats to the north of the site with those to its south east adjacent to the CNOR and should contain appropriate terrestrial habitat and ponds.
- Approval of proposals for monitoring and preventing harm to GCN during construction.

ENC Consultations:

7.14 Planning Policy Team: It is recognised that the application scheme now explicitly aims to deliver automotive production businesses (i.e. high performance/vehicle technologies) at Rockingham. Alongside this, it also proposes logistics development. On this basis, it is accepted that the application proposal, unlike its predecessor, could deliver the priority employment uses specified in Policy 27 and paragraph 8.47. A suitable planning obligation (i.e. condition or s106 agreement) would need to ensure that the detailed proposals reflect the various criteria set out in JCS Policy 27. In determining the application, the submitted masterplan should also be assessed against all of the Policy 27 criteria. Provided that a robust planning agreement could be achieved to ensure delivery of the approved uses, there are no Planning Policy objections to the revised Rockingham Enterprise Area scheme.

7.15 Senior Tree and Landscape Officer: Satisfied with revised plans and recommended conditions.

7.16 Environmental Protection Team: No objection subject to conditions:

Air Quality – As recommended by the [Air Quality Assessment] report in section 7, implementation of the mitigation during construction measures described in the IAQM construction dust guidance should reduce the residual dust effects to a level categorised as ‘not significant’. The mitigation measures should be placed on any permission granted. I agree their response [received 08/03/16] to the points raised in your email appears reasonable and I have no further air quality concerns with the application at this time.

Land Contamination – Within the landfill are two containment areas, the Reserved Area and Soot Hills site, which the proposed development encroaches upon. Issues affecting the integrity of the containment cells and any impact on end users of the development and the environment from contamination should not be secondary to the aesthetics of the development. There are concerns about the road shown over the reserved area on indicative drawings; this may result in damage to the lining system, deformation of the waste mass and possible environmental risks associated with this. The consulting engineer has rightly pointed out that roads already cross the Reserved Area but these are not as well constructed as that proposed and they only really allow for car parking and the occasional heavier vehicle. Should it be clearly demonstrated that no damage to the Reserved Area will arise from a substantial road going across it then I would have no objection in this respect. The layout of the development has not been agreed and the location of the road to access Unit 2, relocating it adjacent to Unit 3 or otherwise can be agreed at a later date.

I would like to see conditions placed on the planning permission, if granted, that prior to agreement of the final layout and/or commencement of development, where applicable, the following is done.

- The Reserved Area and Soot Hills site are re-surveyed so we know their exact location.
- No buildings to come within an agreed distance from the boundary of the Reserved Area and the Soot Hills site.
- Prior to commencement of development the extent of the Reserved Area and the Soot Hills site are clearly marked on the ground and a management plan agreed to protect them during works on and around them. This should include measures to be taken in the event of accidental damage to the containment cells.
- Full details of the design of any infrastructure on, parking/landscaping, or in, drainage, the ground occupied by the containment cells shall be submitted to and agreed with us to ensure the integrity of these areas is protected.
Noise – Should the application be granted, conditions should be placed on it to submit information giving the current noise environment and the impact the new development will have on it. The assessment should also make provisions for any measures that need to be taken to protect the proposed development from existing noise sources in particular the race track. I note the development will be phased and would suggest an overarching noise assessment for the whole of the site to be supplemented with further assessments for each individual unit when the exact design and use is known.

The general layout of the site is an improvement on the earlier scheme. In that, those areas which are likely to give rise to significant levels of noise, mainly vehicle noise, HGVs manoeuvring, and loading areas are now located on the southern or western facades of the buildings. This is a much more acceptable layout.

A series of conditions are recommended to deal with noise related issues (email from Mandy Dennis 21.03.16). The Environmental Protection Team has considered a memo (dated 24.03.16) from the applicant’s noise consultant challenging the recommended conditions; however this does not alter their advice.

Lighting – A scheme for external lighting can be agreed by way of suitable planning conditions.

Construction Management Plan (CMP) – Recommend condition(s) to agree a CMP to prevent loss of amenity and or public health risks during development. The CMP shall be developed in conjunction with any remedial works required to make sure the site is suitable for use with respect to contamination.

7.17 Senior Conservation Officer: No comment

NCC Consultations:

7.18 Lead Local Flood Authority (LLFA): No objections subject to conditions to agree surface water drainage system inline with FRA, to secure maintenance and phasing and to require further FRAs with reserved matters applications.

7.19 Highway Authority: [Original Comments] Object – detailed comments received reviewing the submitted Transport Assessment. The main issues raised are summarised as:
- The applicant will be required to fund a bus service to Corby Town Centre via Corby Railway Station at appropriate times of the day. This should form part of a section 106 agreement.
- The applicant should provide for footpath/cycle path improvements.
- Proposal to close Mitchell Road conflicts with plans for CNOR.
- Various assumptions and technical data challenged.
- The submitted transport work predicts a number of locations where significant queuing and delay is predicted, but fails to identify a suitable means of mitigation.
- The Framework Travel Plan submitted is acceptable.

[Email 05.04.16 from Highway Officer to Applicant’s Highway Consultant Following Receipt of Revised Mitigation Strategy] In terms of junctions, the proposed mitigation scheme for the A43/A427 roundabout appears in principle to be acceptable so I will work on suitable wording with the planning authority to secure these works by condition. I would note however that we would need lane widths on the approaches to be 3.85m rather than just over 3.0m.... Therefore, rather than referencing the drawing numbers of the schemes submitted so far I may prefer to propose condition wording which refers to the submission of details of the proposed works to be approved in writing by the planning authority and for those works to be completed before the occupation of a certain amount of floorspace. In terms of the public transport contribution, I have consulted with John Ellerby and await his response which I will discuss with you in due course.
7.20 NCC Officer Comments on Nene Valley Nature Improvement Area: No objection subject to landscaping conditions requiring planting be informed by data from the local records centre and providing ecological mitigation being proposed outside the red line can be secured.

8. **Evaluation**

8.1 The following considerations are relevant to the determination of this application:

8.2 **Principle of Development**

8.3 There are no site specific policies relevant to the site in the current development plan (consisting of the North Northamptonshire Core Spatial Strategy (NNCSS), the Rural North, Oundle and Thrapston Plan (RNOTP) and saved policies from the East Northamptonshire District Local Plan 1996), however draft Joint Core Strategy (JCS) policy 27 – Rockingham MRC Enterprise Area – directly relates to the site. The JCS underwent an examination hearing in November and the main modifications consultation finished 16.03.16. It is anticipated that the JCS will be adopted this summer and therefore substantial weight should now be afforded to it.

8.4 In terms of the relationship of the proposal with the adopted development plan; the site, being located between Rockingham Speedway and Phoenix Parkway clearly relates to the existing built up area of Corby and as a brownfield site in this location, its development for employment generating uses is supported.

8.5 JCS Policy 27 (latest version) states that the Rockingham Enterprise Area; ‘will be a focus for employment development within and beyond the plan period…… Development proposals will be supported where they will deliver a mix of high quality employment, particularly in priority employment sectors.’ Priority employment sectors are clarified in JCS Policy 22 as Renewable and Low Carbon Energy and Green Technologies, High Performance Technologies and Logistics.

8.6 The principle of establishing an employment park consisting of a mix of B1c, B2 (automotive production) and B8 development in this location is considered to comply with both the development plan and emerging JCS policies in principle. The proposal would provide for a mix of employment uses including automotive production which would be compatible with the use of the adjacent motor speedway and logistics which is a ‘priority employment sector.’

8.7 **Design, Scale and Layout**

8.8 Although this application is an outline proposal with all matters reserved, a zoning plan has been submitted for approval and this would to some extent define the layout of the site. Indicative plans have also been submitted to show how the site might be developed, although these would not be binding on the applicant.

8.9 The JPU initially raised a number of design concerns, including; that green infrastructure and landscaping proposals should be strengthened; north-south links should be improved and cycle/walkways should be segregated from the road. They have also expressed concern about the illustrative hub space in terms of its usability and open character/lack of enclosure. In response to concerns, the applicant has revised the zoning plan to include a potential north-south pedestrian/cycle link and submitted an alternative indicative layout and landscape masterplan. It is considered that whilst the alternative drawings may not fully overcome all of the design concerns raised by the JPU, they demonstrate that there would be some flexibility at reserved matters stage when these issues would be considered in detail.
8.10 JCS Policy 27 has specific design/layout stipulations relevant to the site. These are addressed in turn below:

a) The creation of a landscaped spine to the development along the route of the Northern Orbital Road, which allows for pedestrian and cycle movements;

The plans submitted indicate that a landscaped spine along the CNOR could be achieved and there is provision for walking and cycling.

b) Clear definition of public and private space, with frontages facing onto the main routes where feasible, and high quality public realm and landscape treatment to help create a strong and identifiable image for the area;

This would need to be demonstrated at reserved matters stage, through careful consideration of siting and landscaping.

c) The establishment of a strong green infrastructure corridor along the Willow Brook, which connects to the Gretton Brook. The corridor will act as a natural habitat, whilst at the same time forming a pedestrian and cycling route through the development, linking Corby town centre and Priors Hall;

The Willow Brook lies beyond the main body of the site, therefore the requirement to contribute to a green infrastructure corridor along the Willow Brook is not considered relevant. Nevertheless, the indicative plans identify two potential green infrastructure north-south links connecting through the site to Gretton Brook Road. It is therefore considered that criterion (c) can be satisfied.

d) The creation of a landscape/green infrastructure corridor along the Gretton Brook which provides an opportunity for wildlife connections into the plantation as well as along the stream course itself;

In accordance with the above criterion, the zoning plan identifies proposed structural landscaping along and beyond the northern site boundary.

e) Ensuring that the development protects, and where possible, enhances the setting of Weldon Lodge and heritage assets and setting at Kirby Hall;

Refer to heritage section of report.

f) Provision of a small local centre within the site to provide small scale service or convenience shopping facilities to cater for employees within the area;

In response to concerns about a lack of enclosure for the hub space identified on the illustrative plans, the applicant has submitted an alternative indicative plan showing a smaller, less open hub space, which could potentially be a more inviting space than the original proposal. However, in attempting to address noise concerns, indicative building 3 has been re-orientated away from the hub space which would not be ideal in terms of ensuring the hub space is well used. Officers recognise there are a number of competing issues to consider here and inevitably there will need to be some compromises at reserved matters stage. Nevertheless, it is considered that the drawings submitted give sufficient comfort that a satisfactory hub space could be developed. A condition is recommended to agree the phasing of the development and the timing of the construction of a hub space to ensure its delivery. The application does not propose convenience shopping/service facilities as envisaged by the policy, however by providing a suitable location, these could potentially come forward if viable in the future. The indicative location of the hub in the southern part of the site is considered to be sensible; being adjacent to the CNOR and potential future development sites to the south.
Overall, it is considered that sufficient information has been provided to demonstrate that a satisfactory design and layout could be achieved at reserved matters stage.

**Impact on the Character of the Area**

The site falls within character area 3a (Ironstone Quarry Plateau) as detailed in the Northamptonshire Current Landscape Character Assessment (2010) (LCA). Characteristics of this area include:
- Broad, elevated, gently undulating plateau area dissected by valleys
- Very limited standing or flowing water
- Expansive long distance views across the open plateau, and into neighbouring counties
- Large principally coniferous plantations bordering Corby
- Predominantly arable land use
- Network of mainly minor country lanes following elevated land, linking settlements to Corby
- Occasional active and discussed quarries located across the plateau.

The LCA notes that: ‘The southwestern fringe of the plateau is bordered by Corby. This town’s eastern fringe is dominated by industrial estates and large-scale factory units and works buildings that exert a strong urbanising influence on neighbouring rural landscapes. Despite the dominance of the town locally, landform and vegetation often obscures views to all but the tallest landscape elements, ensuring that even landscapes in close proximity retain a rural character. This is particularly evident in the grounds of Kirby Hall, which is located within a quiet secluded valley, although the Rockingham Motor Speedway circuit occupies a prominent position on the horizon.’

Taking account of the LCA, it is considered that whilst the site is brownfield and located in the context of the adjacent motor speedway and industrial estate, the surrounding area has generally retained a quiet rural character and therefore it would be important to minimise the impact of the development on the wider landscape and ensure robust structural landscaping.

The submitted LVIA assesses the landscape impact of the proposal as moderate; diminishing post construction and establishment of structural planting. In terms of visual impact, a series of photo viewpoints (9) were assessed with impact ranging from minor (5 viewpoints) through to moderate (2 viewpoints) and moderate-major (2 viewpoints). Those viewpoints identifies with a moderate-major impact are located adjacent to the northern site boundary on Gretton Brook Road and on Gretton Road to the north.

On request, the applicant has produced a series of wireframes to assist in visualising the development and these are accompanied by an addendum to the LVIA. As a result of the additional work, the zoning and indicative landscape masterplans were amended to reduce the maximum proposed building heights to 18m and 15m (previously 21m and 18m respectively) and add additional structural landscaping in the north east corner of the site - in recognition of the open views into the site from the north.

Although the maximum building heights proposed remain substantial, officers consider they are comparable to buildings adjacent the site e.g. the main speedway building to the east is approx. 22 metres high and the distribution centre to the west is approx. 16m high. This assumption is supported by the submitted wireframes.

It is important to note that the site already has an urban appearance due to its use as carpark/hardstanding and the proposed development would be viewed in the context of (and from some locations screened by) the existing urban developments either side – in particular,
the speedway dominates existing views from the north and east. It would not be possible to fully mitigate the landscape and visual impact of the development due to the topography and the scale of the development. As a result, the proposal would undoubtedly have an adverse impact on the character and appearance of the area, however officers consider that the impact would be relatively localised and subject to robust conditions to ensure early establishment of earth berms and structural planting (as recommended in the submitted LVIA), the impact would not warrant the refusal of the application when weighed against material benefits (e.g. employment provision).

8.20 A condition is recommended to stipulate that individual reserved matters applications for buildings should be accompanied by LVIA s (or a suitable addendum to the submitted LVIA – as required by the Local Planning Authority) in order that the impact of the detailed proposals can be fully assessed and suitable mitigation measures (e.g. building colour, materials, micro-siting and landscaping) can be secured to minimise the landscape and visual impact of the proposal.

8.21 Landscaping

8.22 Landscaping is a reserved matter, however the zoning plan is for consideration now and this reserves areas for structural planting around the site perimeter. The illustrative landscape masterplan provides further detail of how the landscaping of the site might be carried out (e.g. it suggests a tree lined avenue leading to the motor speedway); however this is not binding on the developer. A condition is recommended to agree a detailed structural landscaping scheme for the site, based on the principles of the zoning plan. The condition requires details of planting type, number, a timeframe for implementation and plans for future maintenance/management etc. Reserved matters applications may come forward in a piecemeal fashion, therefore a pre-commencement condition on the outline permission is considered necessary to ensure a comprehensive strategy and the early establishment of planting/berms as recommended by the applicant’s LVIA. On plot landscaping can be satisfactorily considered on an individual reserved matters application basis.

8.23 The Council’s ecological advisors have raised concern about the use of non-native species and the recommended landscaping conditions therefore include a stipulation that planting should be informed by data from the Local Records centre. Subject to the recommended conditions, it is considered that appropriate landscaping for the site can be secured.

8.24 Trees

8.25 Three lines of young Alder trees would be lost as a result of the development, however this is not considered to represent a significant arboricultural constraint, particularly as significant tree planting is envisaged to be secured by condition and reserved matters applications.

8.26 Highway Issues

8.27 The application is accompanied by a Transport Assessment (TA) and Framework Travel Plan (TP). The TA acknowledges that the precise development mix is unknown at this stage and for assessment purposes uses a 50% B8 and 50% B2 mix. It is explained that B2 is the highest traffic generator of the uses and that market conditions suggest a predominant demand for B8, therefore the assessed mix would appear robust. The TA estimates that the development would generate 599 vehicle movements during the AM peak hour (38 of which would be HGVs) and 525 vehicle movements during the PM peak hour (33 of which would be HGVs). It should be noted that the proportion of HGVs would vary significantly dependant on the use (e.g. 4% for B2 and 21.8% for B8).
8.28 The Highway Authority originally responded challenging a number of technical points in the TA. They advised that the TA predicts a number of locations where significant queueing and delay is predicted, but the applicant had failed to identify a suitable means of mitigation. In addition to off-site mitigation works, the Highway Officer advised that a section 106 contribution would be necessary to fund a bus service to serve the site, linking to Corby Town Centre and the Railway Station. This is required as existing bus services are either too infrequent or too far away to realistically support sustainable travel to the site.

8.29 In response, the applicant has submitted further information which is currently being considered by the Highway Authority.

8.30 The additional information received proposes the following mitigation measures:
- An off site improvement to the existing footway on Phoenix Parkway between Mitchell Road and Steel Road to form a combined footway/cycleway as identified on drawing JNY8055-21.
- An off site improvement to CNOR roundabout 2 with Steel Road and Birchington Road as identified on drawing JNY8055-22.
- An off site improvement to the A427 Weldon Road / A43 Bangrave Road roundabout as identified on drawing JNY8055/23.
- A contribution to secure a bus service (refer to 8.70).

8.31 The Highway Authority has indicated that the off-site mitigation works appear to be acceptable in principle and they will advise further on condition wording. They are still considering the details of the public transport contribution. Subject to receipt of further comments from the Highway Authority confirming no objection to the revised application and subject to agreement (prior to Committee) to a capped sum to provide a bus service (to be secured by s106), the proposal is considered acceptable in relation to highway matters.

8.32 Although the CNOR into the site is already constructed, the precise details of the access, including the footway/cycle way to Mitchell Road, roads and parking within the site would be considered in detail at reserved matters stage. There is no indication that these would not meet required standards.

8.33 The site forms part of a carpark/hardstanding for the Rockingham Motor Speedway, however it is understood to be significantly underutilised. The submitted Design and Access Statement confirms that the speedway requires the designation of 3000 parking spaces for exclusive use and these could be accommodated between the application site and the speedway building. The Highway Authority has not raised any objection to the loss of parking.

8.34 The Highway Authority has confirmed the framework travel plan is acceptable and a condition is recommended to ensure the submission of travel plans for the individual reserved matters applications in line with the approved framework.

8.35 Flood Risk and Drainage

8.36 The site is not considered to be in a high risk area for flooding. A small part of the site (in the region of the Willow Brook) lies within floodzones 2 and 3, however the affected part of the site is the access road/CNOR (which is already constructed), not the developable area.

8.37 A Flood Risk Assessment has been submitted which details a surface water drainage strategy involving above ground lined attenuation ponds and a series of underground pipes, which would discharge in a controlled manner to Gretton Brook and the Willow Brook. The report advises that infiltration of surface water is not suitable for this site due to its nature as a backfilled quarry. This is because infiltration could cause ground instability and contamination of groundwater. It is proposed for foul water to be drained by two new foul gravity sewers which would converge at a proposed pumping station at the north west of the
site. From here foul water would be pumped to a connection point in the existing foul sewer network to the south of Mitchell Road.

8.38 The Lead Local Flood Authority, the Environment Agency and Anglian Water are all satisfied with the proposed drainage strategy subject to conditions. Subject to the imposition of these conditions it is not considered that the proposal would to give rise to, or be subject to an unacceptable risk of flooding.

8.39 Final details of the attenuation ponds and associated landscaping could be agreed at the reserved matters stage, to ensure that where possible the drainage ponds contribute positively to the appearance of the site and provide an ecological benefit.

8.40 Ecology

8.41 An ecological report (23.07.15) and letter/addendum (19.10.15) were submitted with the planning application. The report suggests the site is ecologically poor, does not contain any protected habitats nor forms part of a protected wildlife area.

8.42 Evidence of Little Ringed Plover was noted at the site, however no other protected species were considered (at that time) to be supported by the site. In order to prevent harm to this species, the ecology report recommends that no works during the breeding season should be carried out within 150m of the area where the birds were noted. The report identifies that the loss of existing hardstanding and bare earth would impact on some bird species, however not to a significant degree. It is recommended that enhancements are carried out for ground nesting birds and other mitigation and enhancement measures are also recommended including; lighting controls, retention of open ground on the eastern edge of the site and pre-construction badger surveys.

8.43 The 19.10.15 letter/addendum – responding to comments from the Wildlife Trust – provides further information/clarification on a number of points including on the issue of Great Crested Newts; recommending a pre-construction survey.

8.44 In response to objections from the Wildlife Trust and former Nene Valley Improvement Officer (NCC) further ecological information has been submitted by the applicant (letter dated 14.03.16). The letter advises that the Local Wildlife Site to the north of the site (Brookfield Plantation) will not be impacted by the proposal and the part of the ‘potential’ wildlife site encroaching on the site is of very little ecological value and is severed by the CNOR. Additional information is provided with respect to Great Crested Newts and the consultant accepts that a mitigation strategy will be required; ‘given that a high population of Great Crested Newts is present within 50m of the south-eastern boundary of the Hub application, and movement of animals during construction is possible.’ The following mitigation is suggested:

- ‘Fencing to be installed along the southern boundaries of the Hub Application Site to prevent Great Crested Newts from entering the Hub site as well as guiding them to the Willow Brook Crossing. Fencing will also be installed around the P-shaped pond and mitigation completed.

- Based on the presence of high populations of newts in the area it is assumed that the P-shaped pond supports populations of Great Crested Newts and translocation from this area will be completed prior to completing works associated with drainage from the Hub scheme. This water body will also be subject to ecological enhancement, in line with the Landscape Masterplan, to ensure continued breeding in this pond. The ponds at AP1 and AP2 could be used as a potential receptor site as it is assumed that this is the source population.

- Additional works will be completed on AP1 & 2 and CNOR 2 to further enhance them for breeding Great Crested Newts. This work is necessary due to the failure of the four mitigation ponds constructed as part of the licensed CNOR mitigation strategy. It
does not seem appropriate to upgrade the failed mitigation ponds which would mean further translocation of a previously translocated population. If necessary, further ponds will be incorporated in to the Hub GCN mitigation strategy to create a 'string' of ponds along the western boundary of the Hub site. This will further link breeding populations to the north and south of the Hub / CNOR schemes. The P-shaped pond is included within the Landscape Proposals for the Hub Scheme and this will be enhanced specifically for Great Crested Newts as will the other waterbodies within the Hub site.'

8.45 The applicant's ecology consultant suggests a condition on the Outline Planning Permission to allow a fully integrated Great Crested Newt mitigation strategy to be developed based on results of full surveys to be completed in 2016; the final plan to include an ecology GI strategy to link to the agreed and implemented measures for the CNOR. They comment that; 'without this integrated plan and GI strategy the plans set out for CNOR will not fully work.'

8.46 The Wildlife Trust, NCC Officer and Natural England have considered the additional information and confirm they have no objection subject to a series of conditions and providing the necessary mitigation can be secured (see 7.12, 7.13 and 7.20). Some of the required mitigation measures would fall outside the red line (site area) and blue line (land under the ownership of the applicant), however on this matter the applicant has advised; 'the three landowning companies (including RLL [the applicant]) fall under the umbrella of ultimate owner Grey Rock represented by Stuart Wright, giving the ability to deliver in principle.' Conditions should not be attached where there is no reasonable prospect they can be complied with, however in this case, the applicant has indicated that there is and therefore the approach is considered acceptable and would prevent development proceeding without appropriate mitigation. Conditions 12, 15, 38 – 43 (recommended below) are considered to satisfactorily secure the mitigation measures recommended by the Council’s ecological advisors. Subject to the imposition of these conditions, it is not considered that the proposal would have an unacceptable impact on protected species nor important habitats and it has the potential to provide valuable green infrastructure benefits.

8.47 Heritage and Archaeology

8.48 When the previous planning application was considered, officers expressed concern that the application failed to assess the significance of nearby designated heritage assets at Kirby Hall and Weldon Lodge or to assess the impact of the development on those assets. The revised application still contains very little information in terms of providing an understanding of the significance of the heritage assets, however information provided as part of the Design and Access Statement advises that it would be extremely unlikely that the development would be visible from Weldon Lodge or Kirby Hall due to the topography, distance and position of the speedway. This was questioned by officers, as it was noted that the submitted LVIA identifies a similar viewpoint as being subject to a moderate impact. Wireframe images were produced by the applicant's consultant to indicate the visibility of the development from the private access to Kirby Hall. This work generally supports the assumption that the speedway buildings would screen the development, however the development would be visible through a relatively small gap between the buildings and the southern development zone would protrude to the side of the speedway buildings (as viewed from this location). The southern building zone is proposed to have a maximum building height of 15m and the wireframes submitted indicate that at this height, buildings in this zone would be largely screened by existing trees and hedges. Nevertheless, this area of the site would require careful consideration at reserved matters stage. Overall, officers are satisfied that they have sufficient information at their disposal to understand the significance of the heritage assets and their settings and that the applicant has demonstrated that in the context of the existing developments, the proposal would not result in significant harm to the setting of heritage assets. The Council's Senior Conservation Officer has confirmed he has no comments on the application.
8.49 As the site has previously been quarried, there are no archaeological constraints affecting the development.

8.50 Social and Economic Impacts

8.51 The proposal is for a large scale development of employment uses and this weighs heavily in support of the scheme.

8.52 Northamptonshire Police has considered the application and provided advice listing a number of key issues to consider in relation to crime and security. It is considered that these matters can be satisfactorily addressed at reserved matters stage.

8.53 Environmental Considerations

Air Quality
8.54 An Air Quality Assessment has been submitted by the applicant, which considers both the construction and operational phases of the development. The operational phase is considered in terms of the impact of traffic (arising from the development) and the impact on occupants of the development (from exposure to prevailing levels of pollution). The report concludes that subject to mitigation measures during construction, residual effects from dust should reduce to a level categorised as 'not significant.' The report further concludes that the operational impacts of the development on air quality would be 'negligible' and that the site is suitable in air quality terms for the occupants of the new development. The Council's Environmental Protection Team has studied the submitted report and advises that there are no objections on air quality grounds, subject to conditions to secure the dust mitigation measures highlighted in the report (condition recommended) and to agree a construction management plan.

Noise
8.55 The Environmental Protection Team initially raised concern that the indicative plans located areas of the development most likely to give rise to significant levels of noise along the Gretton Brook Road boundary close to Brookfield Mobile Home Park and Keepers Lodge Farm. Notwithstanding that layout is a reserved matter, the applicant has submitted revised/additional indicative plans to demonstrate that an alternative layout would be possible to re-locate HGV loading bays away from the northern site boundary and out of the line of sight of the residential dwelling and traveller site. The Environmental Protection Team advises that this is a much more acceptable layout and it is considered that this gives the comfort that a satisfactory layout (with respect to noise issues) could be achieved at reserved matters stage.

8.56 The Environmental Protection Officer advises that should permission be granted, conditions should be added to the consent to ensure submission of an assessment of the current noise environment and the impact the new development will have on it. The assessment should also make provision for any measures that need to be taken to protect the proposed development from existing noise sources in particular the race track. The officer suggests an overarching noise assessment for the whole of the site to be supplemented with further assessments for each individual unit when the exact design and use is known. Conditions 32, 33, 36 and 37 are recommended in relation to these issues.

8.57 The construction management condition described previously would assist in controlling noise during the construction phase.

Contamination
8.58 The land was previously quarried by British Steel and restored by landfill, with the application area being wholly underlain by Deene Quarry landfill site. Within the landfill are two containment areas, the Reserved Area and Soot Hills site.
8.59 The Council’s Contaminated Land Officer is concerned that buildings may encroach on, or be located very close to the containment areas and therefore recommends conditions to ensure the following prior to agreement of the final layout and/or commencement of development, where applicable:

- The Reserved Area and Soot Hills site are re-surveyed so we know their exact location.
- No buildings to come within an agreed distance from the boundary of the Reserved Area and the Soot Hills site.
- Prior to commencement of development the extent of the Reserved Area and the Soot Hills site are clearly marked on the ground and a management plan agreed to protect them during works on and around them. This should include measures to be taken in the event of accidental damage to the containment cells.
- Full details of the design of any infrastructure on, parking/landscaping, or in, drainage, the ground occupied by the containment cells shall be submitted to and agreed with us to ensure the integrity of these areas is protected.

8.60 Appropriate conditions have been recommended to capture these requirements, in addition to the standard contaminated land conditions recommended by the Environment Agency in recognition that the entire site is a backfilled quarry. Subject to these conditions it is considered that the contamination present at the site would not pose an unacceptable risk.

8.61 The Contaminated Land Officer has expressed concern about the construction of a road over the Soot Hills site (as suggested by indicative plans) and initially advised on a condition to prevent this. Following negotiation with the applicant’s agent/consultant it has been accepted that a condition is unnecessary as the detailed layout is to be agreed at reserved matters stage and potentially at that point it could be demonstrated that the development of a road over the containment cell would not cause an unacceptable risk, or alternatively the road could be re-positioned elsewhere.

Waste and Lighting

8.62 It is considered that issues surrounding the storage of waste and the nature of lighting can be adequately addressed at the reserved matters stage.

Industrial Processes and Pollution

8.63 The applicant has submitted appendix 4 to the Planning Statement to clarify the intended B2 use (automotive production). This document highlights that the primary potential sources for emissions for this type of use are spray booths and drying ovens and gas fired boiler plant. The precise nature of B1c developments on the site is not known at this point as the use class covers a whole variety of ‘light industrial’ uses. The nature of potential industrial processes and emissions is therefore not known, however there is separate pollution control legislation in place to control significant emissions and industrial processes and the development would need to comply with this. In relation to this issue the NPPF (122) advises LPAs should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions where they are subject to approval under pollution control regimes.

8.64 Sustainability

8.65 The location of the site is considered to be ‘sustainable’ being on the edge of the built up area of Corby, subject to the provision of public transport improvements and footway/cycleway improvements as recommended by the Highway Authority.

8.66 The application is accompanied by supporting information which indicates the development will aim to meet BREEAM excellent. The Council’s sustainability advisor is satisfied that conditions would ensure the development of the site in accordance with relevant energy and sustainability policies.
8.67 Section 106 Obligations

8.68 The NPPF paragraph 204 states:

'Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.'

8.69 These tests are taken from the CIL Regulations 2010 (as amended) Regulation 122. The NPPF then goes on to state that obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

8.70 An s106 request has been made by the Highway Authority to secure provision of a bus service to serve the site. The Highway Authority has provided a justification for the contribution (refer to detailed HA comments) and it is considered that this complies with CIL requirements. The applicant has confirmed the following offer to be secured by s106 legal agreement:

- Buses should be provided to Corby Town Centre to meet every 15-minute window when more than (X) staff start or finish work, exact arrival and departure times subject to advice and operational requirements of occupiers.
- Service (through or connecting) should thereafter be provided originating beyond the town centre or departing the town centre to it; for each journey, to:
  - Danesholme (Copenhagen Rd)
  - Beanfield (Local Centres, Greenhill Rise and Farmstead Road)
  - Kingsthorpe Local Centre (Fotheringhay Rd)
  - Shire Lodge (Shetland Way)
- Operated on a revenue-guarantee basis, with a five year duration, the full costs index-linked from the date of the agreement to the Confederation of Passenger Transport (CPT) Bus Service Operators' Cost Index, being a capped figure in the S106.

They note that X would need to be agreed as part of the s106 negotiations. The above offer is currently being considered by the Highway Authority and further comments will be reported to Committee. Officers consider the capped figure referred to should be confirmed and agreed prior to Committee and therefore this is stipulated as part of the officer recommendation.

8.71 The Highway Officer has indicated that the off site works could be satisfactorily secured by planning condition and therefore in accordance with NPPF guidance this would be the preferred approach.

8.72 Residential Amenity

8.73 The nearest residents to the site occupy a new age traveller site on the opposite side of Grettten Brook Road. Subject to careful consideration of the unit(s) closest to the traveller site at reserved matters stage, it is not considered that there would be any significant adverse impact on residential amenity, either as a direct impact of the buildings (e.g. through overlooking or overbearing impact), or as a result of environmental impacts e.g. noise (refer to relevant section of report).
9. Other Issues

9.1 Environmental Impact Assessment – ENC has screened the application as not requiring an Environmental Impact Assessment.

9.2 Television Reception – A condition to mitigate interference to television reception is not considered necessary given that the details of the buildings forming part of the development are not known at this stage. In any case, the development will be of a height consistent with adjacent existing development.

9.3 Restriction of Permitted Development Rights – These are not recommended at this stage as it is unclear what uses and building forms will come forward. They could be attached at reserved matters stage if necessary.

10. Recommendation

Subject to receipt of satisfactory comments from the Highway Authority and agreement of a s106 capped contribution figure for a bus service (prior to Committee);

Recommendation 1
If a satisfactory legal agreement (or similar) is submitted by 29.04.16 which secures obligations as set out in this report: GRANT planning permission subject to conditions.

Recommendation 2
If a satisfactory legal agreement (or similar) to secure obligations set out in this report is not submitted by 29.04.16 (and an alternative date is not agreed): Delegate to Head of Service to REFUSE.

Conditions

1. Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before the development is commenced.
   Reason: The application is in outline only and the reserved matters referred to will require full consideration by the Local Planning Authority.

2. Application for the approval of the reserved matters must be made not later than the expiration of seven years beginning with the date of this permission.

3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

4. The development shall accord with the principles (including maximum building heights) laid down by the ‘Zoning’ plan hereby approved (000-02-Rev06b).
   Reason: For the avoidance of doubt.

5. Prior to the commencement of development, a phasing plan shall be submitted to the Local Planning Authority for approval in writing. The phasing plan shall include details of the timescale for submission of reserved matters for a ‘hub’ space and its implementation. Thereafter the development shall proceed in accordance with the approved phasing plan or plans that may subsequently be agreed in writing by the Local Planning Authority.
Reason: To ensure the major development is satisfactorily phased and to ensure a hub space can be provided in accordance with JCS Policy 27.

6. The total development shall not exceed 121,703 square metres of floorspace and shall consist of;
   i) no greater than 50% (i.e. 60,851.5 square metres) of B8 development;
   ii) no greater than 50% (i.e. 60,851.5 square metres) of a mix of B1c and B2 development (of which shall consist of no greater than 48680.7 square metres of either B1c or B2 development).

Reason: For the avoidance of doubt; to accord with the submitted Transport Assessment (on which basis the application has been assessed) and to ensure an appropriate mix of development to accord with JCS Policy 27.

7. B2 development shall be limited to automotive production.
   Reason: For the avoidance of doubt.

8. The first reserved matters application for development in zone A shall include a feasibility study for the inclusion of the footpath/cycle link which is identified to the west of zone A on the zoning plan hereby permitted.
   Reason: To ensure the site does not act as a barrier to north-south movement.

9. The details to be submitted for approval in writing by the Local Planning Authority in connection with condition 1 (above) shall include drawings identifying the existing and proposed ground levels and the proposed finished floor levels of the buildings in relation to the site and the surrounding land and buildings. The development shall be constructed (and thereafter retained) in accordance with the details so approved.
   Reason: In the interests of visual amenity and to ensure the development relates satisfactorily to the surrounding area.

10. The details to be submitted for approval in writing by the Local Planning Authority in connection with condition 1 (above) shall include details (and samples if requested by the Local Planning Authority) of external materials to be used in the development. The development shall be constructed (and thereafter retained) in accordance with the details so approved.
    Reason: In the interests of visual amenity and to ensure the development relates satisfactorily to the surrounding area.

11. The details to be submitted for approval in writing by the Local Planning Authority in connection with condition 1 (above) shall include details of any proposed external lighting including its location, beam orientation and design (including luminaire type; mounting height; aiming angles, luminaire profiles and a Lighting Contour map, details of timing systems in place with stated hours of operation). The development shall be implemented (and thereafter retained) in accordance with the details so approved.
    Reason: In the interests of residential amenity and the prevention of light pollution.

12. The details to be submitted for approval in writing by the Local Planning Authority in connection with condition 1 (above) shall include details of hard and soft landscaping (including boundary treatments) and how it will be managed and maintained. Planting shall be informed by data from the Local Records Centre. The hard landscaping shall be constructed prior to the first occupation of development the subject of the relevant reserved matters application and the soft landscaping shall be implemented in the first planting season following the first occupation or the completion of the development permitted under the relevant reserved matters application (whichever is the sooner). Any trees or plants which within a period of 5 years from the completion of the relevant part of the development die, are removed or become seriously damaged or
diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity and to ensure a reasonable standard of development.

13. The approved development shall achieve a minimum 'Very Good' rating under BREEAM new construction 2014 in line with the details submitted with this outline planning application.

   i) No development shall take place in any phase until a BREEAM pre-assessment estimator (or such equivalent standard that replaces this) for the relevant phase has been submitted to and approved in writing by the Local Planning Authority demonstrating how a Very Good rating will be achieved.

   ii) Within three months of work starting on each phase a BREEAM Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) for the relevant phase must be submitted to and approved in writing by the Local Planning Authority to show that a Very Good rating will be achieved.

   iii) Prior to first occupation of each building a BREEAM Post Construction Review certificate and summary score sheet (or such equivalent standard that replaces this) relevant to that building must be submitted to and approved in writing by the Local Planning Authority to show that a Very Good rating has been achieved.

Reason: In the interests of sustainable development and reducing the impacts of climate change.

14. Prior to the commencement of development on each phase, an Energy Strategy for that phase (or for the site as a whole), shall be submitted to the Local Planning Authority and approved in writing. The assessment should demonstrate how the development will secure a minimum 10% contribution through Low carbon, decentralised or renewable energy sources. Prior to the first occupation of each building, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP or the National Calculation Method) should be submitted (and approved in writing by the Local Planning Authority) to demonstrate that the development has been carried out in accordance with the relevant approved Energy Strategy.

Reason: In the interests of sustainable development and reducing the impacts of climate change.

15. Prior to the commencement of development, a structural landscaping scheme shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be based on the principles established by the approved zoning plan and shall include (but not be limited to) the following:

   i) a survey (to BS5837:2012) of existing trees (including those trees beyond the north site boundary within the applicants ownership);

   ii) confirmation of existing trees and hedges to be retained and their means of protection during construction;

   iii) details of proposed new structural planting including species, location, numbers and planting densities. NOTE – Planting shall be informed by data from the Local Records Centre;

   iv) existing and proposed ground levels and details (including cross sections) of any proposed bunds or earth berms;

   v) details (including materials) for any hard landscaping forming part of the structural landscaping scheme including details of existing and proposed boundary treatments;
vi) the timeframe for implementation of the structural landscaping scheme. NOTE – It will be expected that the structural planting will be established prior to/as part of the first phase of construction works.

vii) A plan for the maintenance and long term management of the structural landscaping; The structural landscaping scheme shall subsequently be implemented and managed (in perpetuity) in accordance with the approved details.
Reason: In the interests of visual amenity, to provide adequate screening for the development.

16. The development of the site shall at all times accord with the mitigation measures outlined at section 7 of the submitted Air Quality Assessment (RPS June 2015).
Reason: In the interests of air quality and dust minimisation.

17. Reserved matters applications proposing buildings shall be accompanied by; a Landscape and Visual Impact Assessment (LVIA) or suitable addendum to the original LVIA forming part of the outline planning permission (as may be agreed by the Local Planning Authority) assessing the landscape and visual impact of the detailed proposal (to a recognised methodology) and outlining appropriate mitigation measures to minimise the impact of the building(s).
Reason: To minimise the impact of the development on the character and appearance of the surrounding area.

18. Reserved matters applications proposing buildings shall be accompanied by a travel plan which should follow the principles laid down by the approved Framework Travel Plan forming part of this permission.
Reason: In the interests of promoting sustainable travel.

19. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall demonstrate that it has been developed having regard to any remedial works required to make the site suitable for use with respect to contamination. In addition, the plan shall include and specify the provision to be made for the following:
   i. Measures to control the emission of dust and dirt during construction;
   ii. Control of noise emanating from the site during the construction period;
   iii. Hours of construction work for the development;
   iv. Contractors’ compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
   v. Designation, layout and design of construction access and egress points;
   vi. Internal site circulation routes;
   vii. Directional signage (on and off site);
   viii. Provision for emergency vehicles;
   ix. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
   x. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
   xi. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
   xii. Routing agreement for construction traffic;
   xiii. Storage of plant and materials used in constructing the development;
   xiv. Details of any required piling;
The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.
Reason: In the interests of residential amenity, highway safety and visual amenity.
20. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (prepared by D2e, report no. 3113/802/RevF, dated October 2015) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The details of the scheme shall include:

   a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins.

   b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers hydraulic curves for all hydrobrakes and any other flow control devices.

   Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

21. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

   Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system.

22. The implementation and phasing of works shall be such that all necessary surface water run-off attenuation and mitigation measures shall be fully constructed, commissioned and operational prior to the creation of any impermeable areas on site, unless otherwise agreed in writing by the Local Planning Authority.

   Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

NOTE: The applicant has requested conditions 20 – 22 be altered to permit a phased development approach. Any changes to wording agreed with the LLFA will be reported to Committee.

23. All subsequent reserved matters applications shall make reference to the original approved Flood Risk Assessment document (prepared by D2e, report no. 3113/802/RevF, dated October 2015) and shall be accompanied by a certificate of compliance with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

   Reason: In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

24. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the
risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.
Reason: To ensure that the risks to controlled waters from contamination at the site are appropriately assessed and managed.

25. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To ensure that any remediation, if required, is verified as completed to agreed standards to ensure controlled waters are suitably protected.

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner to protect controlled waters.

27. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details hereby approved. No building shall be occupied until the works have been carried out in accordance with the approved scheme.
Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

28. Prior to the submission of the first reserved matters application, a survey to determine the precise location of the Reserved Area and Soot Hills site and to define a stand off distance (in which no buildings are to be constructed) shall be submitted to the Local Planning Authority for approval in writing.
   Reason: To inform the reserved matters applications to prevent unnecessary risk from contamination.

29. Prior to commencement of development (on any phase) the extent of the Reserved Area and the Soot Hills site shall be clearly marked on the ground (the type of marker to be used and the locations to be agreed in advance with the Local Planning Authority).
   Reason: To minimise the risk of accidental damage to the containment cells.

30. Prior to commencement of development (on any phase) a management plan detailing how the containment cells (Reserved Area and Soot Hills site) shall be protected from damage during works on and around them shall be submitted to the Local Planning Authority for approval in writing. The plan shall include measures to be taken in the event of accidental damage to the containment cells.
   Reason: To minimise the risk of accidental damage to the containment cells.

31. The details to be submitted for approval in writing by the Local Planning Authority in connection with condition 1 (above) shall include full details of the design of any infrastructure on (including parking and landscaping), or in (including drainage) the ground occupied by the containment cells. The development shall be implemented (and thereafter retained) in accordance with the details so approved.
   Reason: To minimise the risk of accidental damage to the containment cells.

32. Any future reserved matters application for buildings on the site shall include a noise assessment together with mitigation measures, which shall be implemented in accordance with an agreed programme. Prior to commencement of development, the applicant is required to provide a report from a specialist noise consultant or suitably qualified person, to fully assess the impact of this additional noise source on nearby residential properties. The report shall be conducted in accordance with BS4142:2014 and shall be submitted to the Local Planning Authority for assessment.
   Reason: To protect the residential amenity of the locality.

33. The rating level of noise emitted from the proposed development (determined using the guidance of BS 4142:2014 Rating for industrial noise affecting mixed residential and industrial areas) shall be no greater than the existing measured background noise level $L_{A90,T}$ during the day time period. For the purpose of the assessment the authority will accept 07:00 – 23:00 hours as covering the day time period.
   Reason: To protect the residential amenity of the locality.

34. No external storage associated with the B8, B2 or B1c uses hereby permitted or the external processing of goods or materials shall take place unless otherwise agreed in writing by the Local Planning Authority or approved on plans agreed at reserved matters stage.
   Reason: In the interest of residential and visual amenity.

35. Prior to the commencement of development a detailed scheme for off site highway improvements (as detailed in drawings JNY8055-21, JNY8055-22 and JNY8055-23) shall be submitted to the Local Planning Authority for approval in writing. The detailed scheme shall include a timeframe for the completion of the works. Once approved,
the works shall be carried out at the Applicant’s expense to the satisfaction of the Highway Authority in accordance with the agreed timescale.

Reason: To mitigate the impact of the development on the Highway network and to encourage sustainable travel.

36. The rating level of noise emitted from the proposed development (determined using the guidance of BS 4142:2014 Rating for industrial noise affecting mixed residential and industrial areas) shall be at least 5dB below the existing measured background noise level \( L_{A80,T} \) during the night time period. For the purpose of the assessment the authority will accept 23.00 – 07.00 hours as covering the night time period.

Reason: To protect the residential amenity of the locality.

37. No power floating works to be undertaken overnight without prior permission of the Local Planning Authority.

Reason: To protect the residential amenity of the locality.

38. Except where expressly stated otherwise by condition on this decision, the development shall be carried out in strict accordance with the recommendations of the following ecological reports/letters submitted with the planning application: Letter from Turnstone Ecology dated 14.03.16, Letter from Turnstone Ecology dated 19.10.15, Report by Turnstone Ecology July 2015.

Reason: In the interests of wildlife and nature conservation, to ensure that necessary mitigation measures are carried out at appropriate stages of development.

39. Prior to commencement of development an Ecological Management Plan shall be submitted to the Local Planning Authority for approval in writing. This should include a set of Management Prescriptions with a linked/associated Monitoring Programme and should take account of all relevant nature conservation objectives for both habitats and species on and around the site. Specifically the plan shall also include:

i) details of provisions for Little Ringed Plovers;

ii) appropriate objectives for the area referred to as “Nature Reserve” on Drawing 000-02-Rev06b.

Thereafter the development shall be implemented and retained in accordance with the agreed plan.

Reason: In the interests of protected species and nature conservation.

40. Prior to the submission of the first reserved matters application an integrated Green Infrastructure strategy, including details of habitat creation, enhancement and long term management for Great Crested Newts (which integrates with ecological mitigation in adjacent areas including the CNOR and also links to the Nene Valley Improvement Area objectives) shall be submitted to the Local Planning Authority for approval in writing. The strategy shall include a habitat corridor (containing appropriate terrestrial habitat and ponds) along the eastern site boundary with a minimum width of 25 metres. In addition, should great crested newts be found to be present in the ‘p-shaped pond’ immediately south of the site, then the strategy must ensure no net loss of core habitat within 50 metres of this pond and a habitat corridor should also be included along the southern site boundary with a minimum width of 30 metres to link this pond to other breeding ponds adjacent to the CNOR. Thereafter the development shall be carried out and retained in accordance with the agreed strategy.

Reason: In the interests of wildlife and nature conservation.

41. Notwithstanding the details on the approved zoning plan, the details to be submitted for approval in writing by the Local Planning Authority in connection with condition 1 (above) shall accord with the Green Infrastructure Strategy approved pursuant to condition 40.

Reason: In the interests of wildlife and nature conservation.
42. Prior to submission of the first reserved matters application, a Great Crested Newt Mitigation and Management Strategy (informed by appropriate survey work and building on the recommendations made in the letter by Turnstone Ecology 14.03.16) shall be submitted to the Local Planning Authority for approval in writing. Thereafter the strategy shall be implemented in accordance with an agreed schedule.

Reason: To prevent harm to this protected species.

43. Prior to the commencement of development, details of Great Crested Newt protection fencing including its type, location, how it will be maintained and the timeframe for its erection and retention shall be submitted to the Local Planning Authority for approval in writing. The development shall only be carried out in strict accordance with the agreed details.

Reason: To prevent harm to this protected species.

Notes to Applicant

1. This application has been determined in accordance with 186 and 187 of the NPPF. The Local Planning Authority has negotiated with the applicant to enable a positive outcome.

2. It should not be assumed that the full extent of the identified building zones (referenced in the approved zoning plan 000-02-Rev06b) may necessarily be developed by buildings of the maximum permitted height. The acceptability of proposed buildings will be determined in the individual reserved matters applications having regard to such things as the design, scale, appearance, location and relationship to other proposed/permitted buildings/developments.

3. Under the terms of the Water Resources Act 1991, and the Anglian local land drainage byelaw, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank of the Gretton Brook or Willow Book, designated as 'main rivers'. This includes the headwall/outfall structures for the surface water discharges.

4. When dealing with land affected by contamination, all work should follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination. We recommend that developers should refer to the Environment Agency 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. Given that the proposed development site overlies a landfill, the developer should be aware of the potential risk to the development from landfill gas and may wish to carry out a risk assessment to ensure that the potential risk is adequately addressed. The Local Authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development. The developer should ensure that during all phases of the development (including site investigation, construction and operation), the integrity of the landfill capping layer is not compromised. Any excavation on the site is liable to produce contaminated soils that would require a full WAC analysis, in order to properly assess possible disposal options.

5. The Local Planning Authority would have concerns about a proposal to construct a road across/over the containment cell(s). Any such proposal put forward at reserved matters stage would be expected to be supported by a convincing justification to demonstrate that there would be no risk of damage to the containment cells.
6. The details pursuant to conditions 5, 13, 14, 15, 19, 20, 21, 24, 28, 29, 30, 32, 39, 40, 42 and 43 are required prior to the commencement of development because they are critical to the material considerations of the scheme. The development would not be acceptable without these details being first approved.

7. This permission shall be read in conjunction with the s106 agreement dated XXXX.

8. The applicant is advised that any works to be carried out on/under or within the highway will require the prior consent of the Highway Authority under the relevant section of the Highway Act. This permission does not infer that such consent will be forthcoming.

9. The applicant is advised to contact Natural England regarding the need for a Great Crested Newt Licence at the earliest opportunity.
Applicant  
LXB RP (Rushden) Limited

Agent  
Quod - Mr Matthew Sherwood

Location  
Land Adjacent Skew Bridge Ski Slope Northampton Road Rushden Northamptonshire

Proposal  
Rushden Lakes: Erection of a leisure building to include a cinema, restaurant and retail units and other leisure uses and erection of a cycle hire facility together with proposals for access, parking and servicing space, hard and soft landscaping and other associated works

This application is reported to the Planning Management Committee because it falls outside the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2015) in that it involves over 1000m2 of floorspace.

1. **Summary of Recommendation**

1.1 That, subject to the completion of a satisfactory legal agreement, permission is GRANTED subject to conditions.

2. **The Proposal**

2.1 This application seeks permission for the erection of a leisure building to include a cinema, restaurant and retail units and other leisure uses and erection of a cycle hire facility together with proposals for access, parking and servicing space, hard and soft landscaping and other associated works.

2.2 A full description of the development is contained at section 7 of this report. The development would replace the approved garden centre at the site.

3. **The Site and Surroundings**

3.1 The site lies to the west of Rushden and is separated by the main built up areas by the A45. The site has had an extensive planning history since the first permission for sand and gravel extraction in 1953. The site had been in a poor, degraded condition for a number of years with a derelict dry ski slope, a fire damaged and derelict building and footings of another building formerly comprising a country club, accommodation and associated uses.

3.2 The site is considered brownfield and has since been cleared of any buildings. Earthworks have taken place with piles of soil created around the site. An existing access off the A45 will be utilised for the site which then runs parallel to the A45. The site does not currently offer any public rights of way and the site and the A45 act as physical barriers between Rushden town centre and the Nene Valley river corridor. There are no archaeological sites of interest identified within the site or listed buildings in close proximity to the site.
3.3 The site lies within the Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI) and Skew Bridge Lakes Local Wildlife Site. The SSSI is also designated as a wetland of international importance under the Ramsar Convention and a Special Protection Area (SPA) as a site of European importance for bird conservation under the EC Birds Directive. The site also lies within the Nene Valley Improvement Area.

4. Policy Considerations

4.1 National Planning Policy Framework

4.2 North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements
Policy 5 - Green Infrastructure
Policy 6 - Infrastructure Delivery and Developer Contributions
Policy 8 - Delivering Economic Prosperity
Policy 9 - Distribution and Location of Development
Policy 11 - Distribution of jobs
Policy 12 - Distribution of retail development
Policy 13 - General Sustainable Development Principles
Policy 14 - Energy Efficiency and Sustainable Construction

4.3 North Northamptonshire Joint Core Strategy Pre-Submission Plan Jan 2015

Policy 1 - Presumption in Favour of Sustainable Development
Policy 3 - Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings and Allowable Solutions
Policy 10 - Provision of Infrastructure
Policy 11 - Network of Urban and Rural Areas
Policy 12 - Town Centres and Town Centre uses
Policy 15 - Well Connected Towns, Villages and Neighbourhoods
Policy 18 - HGV Parking
Policy 19 - the Delivery of Green Infrastructure Special Policy Areas
Policy 20 - Nene and Ise Valleys
Policy 22 - Delivering Economic Prosperity
Policy 23 - Distribution of New Jobs
Policy 24 - Logistics
Policy 26 - Renewable Energy

4.4 East Northamptonshire Council Local Plan 1996
Policy EN8 - Protection of SSSI’s, NNR’s and LNR’s

5. Relevant Planning History

5.1 12/00010/FUL - Rushden Lakes: Hybrid Planning Application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, crèche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop. Approved 11th June 2014
5.2 14/01827/AMD - Non material amendment to allow the sub division of unit B8 and amalgamation of units B6 and B7 pursuant to planning permission 12/00010/FUL - Approved 27th October 2014.

5.3 14/01938/VAR - Variation of conditions 1, 5, 6, 8, 15, 38, 39, 42, 43, 44, 45, 46 and 47 as per section 2 of the submitted planning statement pursuant to planning permission 12/00010/FUL - Approved 12.06.2015

5.4 15/01127/VAR - Variation of conditions 1, 5, 6, 8, 14, 37, 38, 41, 42, 43, 44, 45, 46, 47 and 48 (as per section 2 of the submitted planning statement) pursuant to planning permission 14/01938/VAR (Variation of conditions 1, 5, 6, 8, 15, 38, 39, 42, 43, 44, 45, 46, and 47 (as per section 2 of the submitted planning statement) pursuant to planning permission 12/00010/FUL - Approved 16.11.2015

6. Consultations and Representations (where abridged the full text can be viewed online at www.east-northamptonshire.gov.uk)

6.1 24 letters have been received from the public supporting the application. Concerns have been raised regarding the access onto the A45.

6.2 Deloitte Real Estate (abridged) have written an objection on behalf of the Grosvenor Shopping Centre in Northampton stating that the proposed development would have a significant impact on the viability and vitality of the redevelopment of the Grosvenor Centre and investor confidence in Northampton town centre.

6.3 Rushden Town Council: Members of Rushden Town Council have no objections to this application and welcome the proposals for new leisure facilities for the town.

6.4 Higham Ferrers Town Council: The Council have now considered the above application. They welcome the development and have no objections to the application.

6.5 Irthlingborough Town Council: No objection.

6.6 Bedford Borough Council: The proposed amendments, by removing the garden centre element and only including a smaller amount of retail floor space, would reduce the total amount of A1 retail floor space within the Rushden Lakes scheme by 6478 sq. m gross, a reduction of 15%. Nevertheless, the applicant's retail impact analysis estimates that there would be a slight increase in the overall turnover of the scheme (0.4% increase). This is considered to be insignificant in the context of the total turnover of the scheme and its pattern of trade diversion and no different from the impact predicted on Bedford town centre under the original proposal (-3.9%).

The leisure proposals (12 screen multiplex cinema, tenpin bowling alley, indoor climbing structure and restaurants) are to be located in a building in place of the garden centre. A 20 minute drive time primary catchment is assumed for the cinema, which broadly corresponds with the approved retail catchment. The applicant's retail leisure analysis calculates that there is an under provision of cinema screens within the primary catchment area based on national average cinema visitation rates. Impact on existing cinemas within the primary and secondary catchments is assessed; however, as those that are comparable are not located within town centres, the applicant considers that there is no material adverse impact. However, the analysis makes no reference to the multiscreen cinema currently under construction at Riverside North, Bedford (LPA Ref 12/024980/MAF). This is both within a town centre and the secondary catchment of the Rushden Lakes proposal, therefore the impact on it should be considered as part of the analysis.

In relation to the proposed tenpin bowling alley, the applicant's leisure impact analysis notes that none of the existing facilities within the primary or secondary catchments is
located in a town centre and therefore the proposal cannot have an adverse impact on the vitality and viability of any town centres.

There are no tenpin bowling alleys in Bedford borough. It is also noted that there are no indoor climbing structures currently located in town centres within the catchment. In relation to restaurant provision, it is assumed that these will primarily serve users of Rushden Lakes shops and therefore would not have a significant adverse impact on town centres.

In conclusion Bedford Borough Council would currently object to the proposal on the grounds that the applicant has not met the requirements of the NPPF in that it has not considered the impact of the cinema proposal on the committed town centre investment in Bedford, which is within the catchment area, where a 7 screen multiplex cinema is currently under construction at Riverside North.

6.7 **Kettering Borough Council:** Kettering Borough Council object to the proposed application which would be contrary to the emerging Joint Core Strategy policy 12 as the permission would exceed 28,209sqm net retail sales area and has been demonstrated to further decrease comparison goods turnover within Kettering Borough Council.

6.8 **Corby Borough Council:** This council has previously raised concerns about the Rushden Lakes development. It is considered that the new proposals will make the Rushden Lakes scheme more attractive as a "Town Centre" type of distinction with consequent potential impacts on establishment town centres in North Northamptonshire. However, in the context of the scheme approved at appeal and that the applicant's Retail and Leisure assessment demonstrates the application proposals pass the sequential and retail impact tests, Corby Borough Council conclude that it cannot reasonably raise objections to the new proposal.

6.9 **Borough Council of Wellingborough:** No comment.

6.10 **NCC Archaeologist:** I have no comments to make regarding this application. Archaeological monitoring has taken place during geotechnical investigations and has demonstrated that no archaeological activity is present within the application area.

6.11 **The Environment Agency:** No objection subject to conditions.

6.12 **Environmental Protection Officer (Lighting, Noise and CEMP):** No objection subject to conditions.

6.13 **Environmental Protection Officer (Contaminated Land):** No objection.

6.14 **Environmental Protection Officer (Air Quality):** Based on the information submitted I have no objection to the application on the grounds of air quality.

6.15 **Highways England:** No objection subject to conditions.

6.16 **NCC Highways:** No objection subject to the conditions applied to 15/01127/VAR

6.17 **Natural England:** Internationally designated sites - No objection. SSSI No objection and no conditions requested

6.18 **Northampton County Council (Minerals and Waste):** As the site has a committed development, no objection.

6.19 **The Wildlife Trust:** Application 15/02249/FUL - I have reviewed this planning application for its potential wildlife impacts. Clearly any development in this area has
the potential to have an impact on the adjacent Upper Nene Gravel Pits Special Protection Area and Site of Special Scientific Interest but, as development has already been permitted on the site, I have paid particular attention to the changes that these new facilities might bring. I'm pleased to see that the impact of the lighting around the atrium associated with the cinema has been considered in some detail.

The built parts of this development have been considered in conjunction with plans to create and implement a habitat and access management plan for the SPA and SSSI areas in the control of the applicant. Provided this plan is implemented effectively I have no objection to this new application.

6.20 National Planning Casework Unit: No comments to make on this application.

6.21 Local Lead Flood Authority: No objection subject to conditions

6.22 Climate Consulting (Sustainability): No objection subject to conditions.

6.23 North Northants Badger Group: No comments or observations.

6.24 Health and Safety Executive: Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

6.25 Anglian Water: No objection subject to conditions

6.26 Planning Policy (abridged): There are no Planning Policy objections to the application scheme.

7. Evaluation

7.1 The Proposed Development

7.2 The application proposes replacing the approved garden centre and external planting area proposals (15/01127/VAR) with a leisure building; a cinema and associated leisure uses, providing an anchor for Phase 2 of the Rushden Lakes development. This is considered a fundamental change to the previously approved Phase 2 part of Rushden Lakes.

7.3 The applicant has provided a detailed assessment of the external appearance and scale of the proposed buildings within the Planning and Design and Access Statements. They state that the "proposed leisure building consists of a multiplex cinema; tenpin bowling alley, indoor climbing structure, a range of other indoor family entertainment/leisure uses, eight restaurants with external seating areas. Six of the proposed restaurants will be located within the cinema complex, and two will be located in an adjoining element overlooking the lake. Each restaurant has its own access from the front elevation of the building. A large foyer provides ground floor access to the leisure uses which are then accessed from the foyer at ground, first or second floor.

7.4 The leisure building is comprised of a rectilinear form, with the building narrowing and adopting a curved and more sculptured layout on the northern part. The building varies in height, becoming lower as it gets closer to Skew Bridge Ski Lake. The highest element of the building is on the southern part where it rises up to 27.8m, this decreases to 6.3m on the northern part of the building. A rotunda wraps around the northern part of the building.

7.5 The cinema is located within the southern part of the building; it is set over 2 floors (first and second) as well as a projection level to accommodate the cinema entrance foyer and 12 no. screens. Alongside the cinema, the proposed bowling alley is also located at the first floor with a retail unit on the second floor.
7.6 The ground floor of the southern part of the leisure building is comprised of a number of other leisure units as well as the climbing structure, which rises upwards into the main entrance foyer to the building. The northern part of the leisure building is formed of a number of restaurants, some of which extend upon to the first floor. Full details are provided on the accompanying application drawings.

7.7 The elevations of the leisure building include a number of different materials - large areas of glazing, stone effect cladding and metallic cladding. The cladding to the main cinema auditorium is being developed with a natural burnt orange appearance and elements of perforation. A tree motif has also been incorporated into the front elevation of the building to help break up the elevation. The front elevation also incorporates canopies to provide a covered walking route to the entrances to the main leisure foyer and to each of the restaurant units. The most northerly restaurant unit has an external terrace overlooking Skew Bridge Ski Lake. External seating areas are also provided outside the restaurant units. In terms of colours the majority of the leisure building will have a burnt orange façade with graduating green cladding along the western (rear) façade.

7.8 The single storey (3.8m high) cycle hire building comprises a workshop, reception desk and ancillary retail and café area. The majority of the floor area will accommodate storage racks for cycles. The building is partly oval in shape, incorporates a canopy and the predominant material proposed is timber cladding.

7.9 Access, circulation and vehicular parking for the proposed uses will be shared with the remainder of the Rushden Lakes development with access to the highway network via the A45 roundabout. The Leisure Block will however have an additional servicing area to the rear. A further ancillary parking area is also proposed to the south-west of the leisure block.

7.10 A total of 1,428 car parking spaces will be delivered, distributed throughout the combined area of the proposed development and approved November 2015 Scheme. Within this total number of spaces, 91 spaces will be in an ancillary car park in the south-western area of the application site. A total of 176 cycle parking spaces will be provided alongside the cycle hire facility.

7.11 National guidance contained within the NPPF - Requiring Good Design attaches great importance to the design of the built environment as good design is a key aspect of sustainable development. Good design should contribute positively to making places better for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and appropriate landscaping.

7.12 Policy 13 of the CSS and policy 8 of the JCS require new development to comply with a number of sustainable principles including being of a high standard of design and not having an adverse impact on its surroundings.

7.13 It is considered that the development is of a high standard with the form and massing taking into account the topography of the site and its highly visible position adjacent to the A45. The development reduces in height as it approaches the lake reducing is mass and form. The suggested palette of materials is in keeping and complements the previously agreed retail terraces at the site. The development therefore meets the expectations of policy 13 of the CSS, policy 8 of the JCS and the NPPF and, subject to a schedule of materials, is acceptable in this regard.
7.14 Policy Position

7.15 In considering the policy position, it is important to bear in mind that the site benefits from an extant permission for a garden centre and other retail/restaurant uses. Pre-commencement conditions have been discharged and work has commenced at the site. Therefore, the fallback position for the site is a material consideration.

7.16 Planning Policy have assessed the proposal is relation to a number of key issues in respect of:

- The Inspector's deliberations regarding the Rushden Lakes scheme, as approved by the Secretary of State (APP/G2815/V/12/2190175, 11 June 2014);
- New spatial development strategy - North Northamptonshire Joint Core Strategy, submission version/ main modifications, February 2016 (Local Plan, Part 1);
- NPPF sequential test and Retail & Leisure Assessment.

7.17 The Rushden Lakes Inquiry (2013) considered a broad range of submissions. Critically, the appellant (LxB) introduced the proposals as follows:

"It is important at the outset to be clear what the proposed scheme is and what it is not. The scheme is not simply a retail proposal. The Applicant's evidence has made clear the mixed use composition of the proposals and it is apparent from the evening session of the Inquiry that the public wholly understands, buys-into and supports the unique range of uses that are proposed. This is so much more than a retail park...." (Inspector's Report, paragraph 2.1).

7.18 With reference to the garden centre part of the scheme (Phase 2, as approved), LxB explained its importance within the overall context of the Rushden Lakes development:

"The largest single element of the scheme is the garden centre. As Mr Burnett explained the significant garden centre component, which accounts for 27% of the overall size of the scheme, means that Rushden Lakes is nothing like Northampton in terms of either scale or character. Mr Chase, who has extensive experience of garden centre developments considered the garden centre to be an important element of the proposal. The garden centre which anchors Terrace A would differentiate it from other schemes and destinations..." (paragraph 2.1).

7.19 The Inspector's Report therefore acknowledges the specific importance of the garden centre as a significant part of the Rushden Lakes development. Its status was considered during the Inquiry, where it was noted that: "The role and function of retail development on the site would be...to accommodate uses that are complementary to the retail offer in the town centre and cannot be accommodated in the town centre, e.g. a large garden centre and other retail occupiers with business models that would not otherwise be able to locate in Rushden" (paragraph 4.30). Furthermore, in challenging evidence given by Andy Sawford (former MP for Corby and East Northamptonshire), legal representatives for opponents of Rushden Lakes argued that the evidence being presented in favour of the scheme was misleading, insofar as: "This is not a 'small proposal...a very large part of which is a garden centre' as suggested by Mr Sawford MP" (paragraph 4.55).

7.20 By contrast, other witnesses argued that the garden centre should not be considered as an anchor for Rushden Lakes as a whole. Instead, the evidence presented by the promoters argues that the large anchor stores (Marks & Spencer and potentially Debenhams) are the critical elements of the scheme, with "the garden centre...allocated to a further phase." (paragraph 4.47). With reference to the
sequential test, on behalf of the appellant (LXB) it was concluded that:

"In short, the proposals are a loose collection of distinct elements. They are not interdependent and the commercial elements are not dependent upon any particular features of the site. They are unlikely to come forward together and a number may not come forward at all" (paragraph 4.48).

7.21 To give a Planning Policy viewpoint, it was necessary to consider relevant references to the status of the garden centre as part of the full Rushden Lakes scheme. In considering whether the loss of the garden centre represents a fundamental change to the approved Rushden Lakes development, as an entity, consideration has been given to the evidence presented to the Inquiry in 2013. While the garden centre was presented as a large (therefore important) part of the appeal scheme (Inspector's Report, paragraph 2.2), there was no explicit assertion that the garden centre should be regarded as an "anchor"; i.e. a crucial element of the approved scheme (paragraphs 4.46-4.48).

7.22 The initial Planning Policy view was that the cinema proposal could represent a fundamental departure from the Rushden Lakes scheme, as previously envisaged and subsequently approved by the Secretary of State. The review of the evidence, as assessed by the Inspector, would appear to demonstrate that there was no specific suggestion that the garden centre was an unassailable element of the approved scheme.

7.23 It must also be considered the changes to the spatial planning framework that have taken place since the Rushden Lakes Inquiry (mid-2013). The Secretary of State's decision letter reviewed the status of the adopted Local Plan. Considering the adopted North Northamptonshire Core Spatial Strategy (CSS) - the principal (Part 1) part of the adopted Local Plan - the Secretary of State expressed a view that:

"...the application is not in accordance with the NNJCS spatial strategy, particularly Policies 1 and 12 (IR8.9 and 8.13-8.14). However, he also agrees with the Inspector that there are other parts of the NNJCS with which the application is wholly in accordance, including The Vision for North Northamptonshire (IR8.10)" (SoS decision letter, paragraph 11);
"...for the reasons in IR8.16-8.25, Policies 1 and 2 of the NNJCS are out of date; and, for the reasons in IR8.22-8.28, that Policy 12 of the NNJCS is also out of date (IR8.22)" (SoS decision letter, paragraph 12);
And concluding that the scheme "would not wholly accord with the NNJCS spatial strategy, particularly Policies 1 and 12, and therefore would not be in accordance with the development plan as a whole (IR8.34). However, he agrees with the Inspector that the key policies and provisions in the adopted development plan are out-of-date (IR8.34)" (SoS decision letter, paragraph 37).

7.24 Considering the status of the new North Northamptonshire Joint Core Strategy (JCS) 2011-2031; "the Secretary of State...had regard to the Emerging Draft North Northamptonshire Joint Core Strategy 2011-2031, which he notes envisages an enhanced role for Rushden (IR1.34), and the emerging Four Towns Plan (IR1.35). However, for the reasons given in IR8.6, he agrees with the Inspector that little weight can be afforded to these plans." (SoS decision letter, paragraph 10). In other words, the Secretary of State's decision reiterates that at the time (2013), the JCS was at an early stage in preparation whereby an "Emerging Draft for Consultation" (draft policies) had been published for (non-statutory) consultation in August 2012.

7.25 Since the Rushden Lakes Inquiry (summer 2013) and subsequent Secretary of State decision (June 2014), the new JCS has progressed to an advanced stage, with consultation on main modifications now taking place following Examination hearing sessions (November 2015). Adoption is anticipated during summer 2016. The new
JCS must now be given significant weight.

7.26 The new JCS defines the spatial strategy for the Growth Towns (including Rushden). This specifies that: 'The Growth Towns will be the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development' (Policy 11(1) (a)). If the Rushden Lakes Phase 2 cinema proposal is judged against the new spatial strategy for the town, it must be asserted that the scheme would be in general accordance with JCS Policy 11. Furthermore, it could be argued that the case for permitting a cinema at Rushden Lakes has strengthened since the Secretary of State's decision.

7.27 Notwithstanding the overall JCS spatial strategy for Rushden, the applicant has submitted a Planning Statement (Quod, December 2015) and a Retail & Leisure Assessment (Burnett Planning, December 2015) in support of the revised proposal. These review the application proposal to change the composition of the approved mixed retail, recreation and leisure scheme.

7.28 Furthermore, the Retail & Leisure Assessment (RLA) includes a sequential test, treating the cinema proposal as if it is a freestanding scheme, as required by NPPF paragraphs 24 to 27. The RLA also incorporates respective retail and leisure analyses, in accordance with the NPPF requirements for impact assessments (paragraph 26).

7.29 The sequential test (RLA section 4/ Appendix 3) has considered town centre and edge of centre sites in Rushden and Wellingborough; both Growth Towns are within 30 minutes drive of Rushden Lakes. It is considered reasonable to exclude other towns within 30 minutes drive (Bedford, Kettering, Corby and Northampton) as all have existing out of centre multiplex cinemas. A review of the sites assessed for the sequential test (Appendix 3) is considered to provide a robust justification that none is available and/or suitable for the proposed cinema.

7.30 The applicant (through the RLA) has provided detailed retail and leisure assessments, reflecting that the application proposal represents a net increase of 13,162m² main town centre uses at Rushden Lakes, compared to the consented scheme, reference 15/01127/VAR (RLA, paragraph 1.10). This gross internal floor space increase (from 53,204 to 66,366m²; 20%) represents a significant increase in quantum of main town centre uses at Rushden Lakes. Therefore, it is critical to independently determine whether the submitted RLA provides a robust justification for the revised Phase 2 (cinema).

7.31 Overall, it must be concluded that the sequential test, as submitted, is appropriate and fit for purpose. Nevertheless, it is essential to ensure that the RLA is sufficiently robust in providing an effective analysis of the potential impacts of this latest (significant) revision to the Rushden Lakes development. With this in mind, Officers engaged the services of White Young, Green (WYG) as retail consultants to consider the retail impact of the proposal and the sequential tests required by the NPPF. Burnett Planning (BP) provided a Retail and Leisure Impact Assessment which was considered by WYG, who concluded that,

"WYG has reviewed the latest submission by BP, which responds to the queries raised in the initial WYG appraisal of retail and leisure policy matters. The key outstanding matters related to the consideration of the potential cumulative impact of the proposal, and the assessment of the sequential approach.

WYG is satisfied that despite the overall quantum of proposed Class A3 floorspace and the potential implications of increasing the overall provision over that which is already permitted, we do acknowledge the extant permission and wider context of the proposed development. In this circumstance, the proposal represents a development in a sustainable location which will meet specific
operator requirements. The identification of the scheme within the JCS as a retail and leisure destination also holds significant material weight, which weighs in favour of the proposed development.

Based on the additional work undertaken by BP and WYG’s additional review, we are satisfied that the proposed development would not have a significant adverse impact on the surrounding centres and that there are no sequentially preferable sites to accommodate the proposed development.

However, as stated above, the conclusions above have not taken account of the recently submitted retail and leisure proposal at Nene Park. WYG advises the Council to seek formal legal advice with regard to the most appropriate route to be taken in the “current circumstances.”

7.32 Burnett Planning (BP) have responded to the final paragraph of WYG’s comments that, “as the proposal at Nene Park is not a commitment, i.e. it does not have planning permission, it is not necessary for the Applicant or the LPA to consider the potential cumulative impact of that proposal in the determination of the Rushden Lakes Leisure Application.” BP continue that, “there is nothing in the NPPF or PPG that requires proposals that are not commitments to be taken into account in cumulative impact assessments. This is not an issue that requires a legal opinion - the principle that cumulative impact takes account only of committed development is widely understood and entirely logical.”

7.33 Officers accept this position and agree that cumulative impact should only be assessed against a development that is committed i.e. it has planning permission. However, to ensure that this is the correct position, the query has been passed to LGSS for comment and will be reported on the committee update.

7.34 In addition to this, Bedford Borough Council (BBC) have also raised the question of the impact that the proposed cinema at Rushden Lakes would have on the committed town centre investment of a 7 screen cinema in Bedford town centre that is currently being constructed.

7.35 WYG have considered the matter raised by BBC and comment that,

Bedford is situated within the 30 minute drive time isochrone from Rushden lakes, not a 20 minute drive time as stated by Bedford BC. Therefore, whilst it is shown on the catchment area plan, it is not located within the Secondary Catchment Area (SCA).

As such, and as stated by BP in their original Retail and Leisure Statement, Bedford is located outside of the catchment area and already has access to a local Cineworld multiplex cinema at Aspects Leisure Park.

As previously stated in response to the representations from Northampton Shopping Centre Limited Partnership, the majority of residents in the PCA and SCA are having to travel considerable distances to edge and out of centre leisure facilities and therefore, the proposal has the potential to ‘claw back’ leakage and promote a more sustainable economic development, in accordance with the Inspector’s conclusions from the original appeal decision.

Whilst there is the potential for the proposal at Rushden Lakes to draw some trips which would have otherwise gone to Bedford, we do not consider that this would be at a level which could hinder the investment coming forward at the Riverside North scheme, particularly when taking account of the progress already made to date. It is likely that the two schemes at Aspect Leisure Park and Riverside North will compete against each other.
In short, the scheme in Bedford has not been considered as part of the impact assessment as it is located outside of both of the PCA and SCA and is approximately 30 minutes drive from the proposal at Rushden Lakes. However, we do note the concern raised by Bedford BC and consider that whilst there is a potential for the catchment areas of the two schemes to overlap slightly, the two schemes will primarily serve different catchments. In any event, the scheme is progressing well on the ground in Bedford and therefore the proposal at Rushden Lakes is unlikely to have an adverse impact on the scheme being realised.

7.36 As a result of this, the objection from BBC is unsustainable and would not be a reason to refuse permission for the leisure development as proposed.

7.37 To conclude on the policy position, it has been necessary to consider the importance of the approved garden centre (to be replaced by the leisure building) to the overall Rushden Lakes development. A review of the Secretary of State decision notice and Inspector’s Report (June 2014) has revealed that while the garden centre is the single largest part of the approved Rushden Lakes development (IR2.1), there is nothing in the Inspector’s Report that explicitly asserts that delivery of the garden centre must be regarded as a fundamental or critical part of the overall scheme.

7.38 Subsequent progress with the JCS following the Secretary of State’s decision has meant that significant weight should now be given to this in decision making. Specifically, the overall spatial strategy (JCS Policy 11) emphasises the importance of the Growth Towns (in this case, Rushden) as a focus for major retail and leisure development. Therefore, if there are no sequentially preferable sites at Rushden and/ or Wellingborough, then the development of a new cinema at Rushden Lakes represents a "good fit" to the new JCS.

7.39 Nevertheless, for the scheme to be acceptable, it must fulfil the impact test requirements (NPPF paragraph 26 and JCS Policy 12(g)) and supporting Planning Practice Guidance (PPG) advice. WYG in their response are satisfied that the proposed development would not have a significant adverse impact on the surrounding centres and that there are no sequentially preferable sites to accommodate the proposed development. Therefore, the principle of the development is acceptable, subject to the planned investment at Nene Park being resolved.

7.40 Conclusion

7.41 The proposed cinema, leisure uses, restaurant and retail units will be located in a single block on the western part of the site that will replace the previously consented garden centre which forms part of the June 2014 (and subsequently amended) Rushden Lakes planning permission. The cycle hire facilities are proposed to be located in a new building on the eastern part of the Site, to the north of the previously consented hotel and leisure club.

7.42 Both adopted and emerging planning policy identify the site as a leisure commitment. The principle of the proposed development is therefore compatible with the development plan and expectations of the NPPF in delivering sustainable development that accords with the development plan. The proposals will clearly support Rushden’s enhanced role as a Growth Town, generate further employment and aid increasing the self-containment and self-sufficiency of the area.
8 Other Matters

8.1 In Section 7 (Planning Obligations) of the Leisure Application Planning Statement the applicant makes reference to contributions towards improvements to footpaths, cycle lanes and habitat areas. The applicant is proposing to make an s106 financial contribution to the Wildlife Trust for the sum of £300,000. This will go towards the Nene Wetlands Project.

8.2 The Nene Wetlands will see four existing Wildlife Trust nature reserves (Ditchford Lakes and Meadows, Wilson’s Pits, Higham Ferrers, and Irthingborough Lakes and Meadows), combined with the wetlands within the Rushden Lakes scheme, all of which sit within the internationally important Upper Nene Valley Gravel Pits Special Protection Area (SPA), Ramsar and nationally important Site of Special Scientific Interest (SSSI). It will be managed as a single 270ha site which exemplifies some of the most important wildlife features of the SPA, whilst maximising the visitor experience through sensitive improvements to access and infrastructure.

8.3 The Nene Wetlands will be a transformational project for the Nene Valley which will aim to achieve the following:

To create internationally important wildlife habitats to support breeding and migratory birds across the Nene Wetlands including within Wilson’s Pits

Development of the previously consented visitor centre at Rushden Lakes that will provide the public with the opportunity to enjoy and learn about local wildlife

Improve the infrastructure across the complex including a wildlife trail, viewing platforms and hides

Implementation of the East Northamptonshire Greenway connection between Rushden Lakes and Stanwick Lakes which will provide an improved network of footpaths and cycleways within the valley between Ditchford Road and Stanwick Lakes.

8.4 The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire have passed the Stage 1 round for a Heritage Lottery Fund grant to deliver the Nene Wetlands vision over the next five years starting in October 2016. The project totals £1.96 million of which the Trust has raised £1.66m from the Lottery and other sources. This leaves a remaining match-funding shortfall of £300,000. This shortfall will be made up by the £300,000 s106 contribution.

8.5 Members must note that the proposed leisure scheme is acceptable without the planning obligation and failure to provide the contribution would not be a reason to refuse permission. Conversely, the provision of the contribution is not a reason to approve the application either.

9 Recommendation

9.1 That, subject to the competition of a satisfactory legal agreement the application be APPROVED subject to the following conditions:

10 Conditions/Reasons -

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. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
   Reason: To ensure the satisfactory appearance of the building.

3. The development hereby permitted shall not be carried out except in accordance with the following approved drawings and plans:
   2852-10-1107 (00) Leisure Application Site Plan
   2852-10-101 (00) Leisure Building Ground Floor Plan
   2852-10-102 (01) Leisure Building First Floor Plan
   2852-10-103 (00) Leisure Building Second Floor Plan
   2852-10-104 (00) Leisure Building Roof Plan
   2852-10-114 (00) Leisure Building Projection Floor Plan
   2852-10-128 (00) Cycle Hire Plans
   2852-10-201 (00) Leisure Building Section BB
   2852-10-202 (00) Leisure Building Section CC and DD
   2852-10-203 (00) Leisure Building Section EE
   2852-10-204 (01) Leisure Building Elevations East and West
   2852-10-214 (01) Leisure Building Elevations North and South
   2852-10-215 (00) Cycle Hire Elevations and Sections
   11229 C120 D2 Existing Levels
   11951 C210 D1 Levels Strategy Plan
   GIS064-A Site Location Plan
   VD13156 D100 Rev S – General Arrangement
   Reason: To clarify the terms of the planning permission.

4. The development floorspace shall not exceed the quantum of development and proposed uses as set out in tables 4.1 and 4.2 of the Planning Statement (ref Q40019 dated December 2015).
   Reason: To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site.

5. Improvement works at A45/Skew Bridge roundabout as shown on Vectos Drawing No. VD13156 D100 Rev S (or as amended by a Road Safety Audit or Detailed Design) must be constructed and open to traffic prior to first occupation of the development.
   Reason: To ensure that the A45 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the motorway resulting in traffic entering and emerging from the application site and

6. No development hereby permitted shall take place until details of the following schemes have been submitted to and approved in writing by the Local Planning Authority in consultation with Northamptonshire County Council (acting as Local Highway Authority) and the Highways Agency:

   (a) details of the form of the junctions/links at:
      (i) the eastern end of the link road (which links Crown Way and Northampton Road) at its junction with Northampton Road;
      (ii) the Northampton Road/Brindley Close junction; and
      (iii) the Northampton Road exit from the A45 Skewbridge roundabout
   (b) details of a publicly adoptable pedestrian/cycle bridge over the A45 dual carriageway connecting the A5001 Northampton Road, Rushden with the new adoptable site access road as shown on drawing VD13156/D100 Rev S - S6/S278 Highway Works - A45/Northampton Road Improvements and Proposed Development
Access General Arrangement

c) details of the improvements to the A45/Northampton Road/Crown Way junction (Skew Bridge) as shown on drawing VD13156/D100 Rev J - S6/S278 Highway Works - A45/Northampton Road Improvements and Proposed Development Access General Arrangement

d) details of improvements to the footways of the A5001 Northampton Road and the U35247 Crown Way, Rushden to form a shared use footway/cycle track with appropriate dropped crossings between the proposed Toucan crossing on Northampton Road and the East Northamptonshire Greenway access off Crown Way, Rushden and no part of the development hereby permitted shall be brought into use until the schemes listed at (a) to (d) have been completed in accordance with the approved plans. The works shall be retained as approved thereafter.

Reason: In the interest of highway safety.

7. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

8. No development shall take place 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 drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site.

9. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Reason: To ensure the future maintenance of drainage systems associated with the development.

10. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated December 2015) undertaken by Campbell Reith, especially the following mitigation measures detailed within the FRA:

- Provision of compensatory flood storage as set out on Drawing 11951 C102 (Rev D1) and Drawing 11951 C103 (Rev D1)
- Finished floor levels are set no lower than 39.65 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the increased risk and impact of flooding to the proposed development and future occupants, surrounding area and third parties in accordance with the NPPF and Policy 13 (q) of the Core Strategy for North Northamptonshire.

11. No development shall commence until the floodplain compensation scheme as shown in Drawing 11951 C102 (Rev D1) and Drawing 11951 C103 (Rev D1) has been constructed.

Reason: To prevent the increased risk of flooding elsewhere by ensuring that compensatory storage of flood water is provided.
12. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
   Reason: To ensure if any previously unidentified contamination is encountered during development, that it is dealt with appropriately.

13. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
   Reason: To ensure that any soakaways or infiltration drainage do not pose additional risk to groundwater. There should be no direct discharge to groundwater. All infiltration structures (permeable pavements, infiltration trenches, soakaways etc) should be as shallow a depth as possible to simulate natural attenuation. The base of the infiltration structures should be at least 1m above the highest seasonal water-table

14. The retail units within the development shall achieve a 'Very Good' rating under BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) for the 'Shell' stage.
   Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

15. Prior to commencement of works to the leisure building, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) 'Shell' pre-assessment report should be submitted, by the developer, and approved in writing by the Local Planning Authority to demonstrate how the retail units on site will achieve a 'Very Good' rating.
   Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

16. Within 6 months of commencement of works to the leisure building, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) 'Shell' Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted, by the developer to the Local Planning Authority to show that a minimum 'Very Good' rating will be achieved by the retail units on site.
   Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

17. No more than three months following trading a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell Final (Post-Construction) Certificate, issued by the BRE, must be submitted, by the developer to the Local Planning Authority to demonstrate that a 'Very Good' rating has been achieved by the retail units on site. All the measures integrated shall be retained for as long as the development is in existence.
   Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

18. All units within the development dedicated to Leisure uses shall achieve a 'Very Good' rating under BREEAM UK New construction 2014.
   Reason: To ensure sustainable construction and reduce carbon emissions in
accordance with Government guidance contained within the National Planning Policy Framework

19. Within 6 months of work starting on site a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted, by the developer to the Local Planning Authority to show that a minimum 'Very Good' rating will be achieved by the leisure units.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

20. No more than three months following trading, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Final (Post-Construction) Certificate, issued by the BRE, must be submitted, by the developer to the Local Planning Authority to demonstrate that a 'Very Good' rating has been achieved by the leisure units. All the measures integrated shall be retained for as long as the development is in existence.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework

21. No development shall take place until a landscaping scheme for the site (including boundary treatment) has been submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall be implemented in accordance with the approved details in the first planting season following the occupation of the development. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interest of the visual amenity of the area and to ensure that a pleasant environment is created.

22. Details of mechanical and electrical plant to be installed at the development should be submitted in writing and approved by the Local Authority prior to commencement of the development. The rating level of noise emitted from mechanical and electrical plant to be installed on the development (determined using the guidance of BS 4142:2014, rating for industrial noise affecting mixed residential and industrial areas) shall be at least 5dB below the existing measured background level LA90,T at the nearest noise sensitive receptor during the day and night time period. For the purpose of the assessment the authority will accept 07:00 – 23:00 for the day time and 23:00 – 07:00 hours as covering the night time period.

Reason: To protect the residential amenity of the locality.

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.

Reason for pre-commencement Conditions

The details pursuant to conditions 2, 6, 7, 8, 9, 10, 11, 21 and 22 are required prior to the commencement of development because they are critical to the material considerations of the scheme. The development would not be acceptable without these details being first approved.
Informatives

Highways England

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways England Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk.

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.

The Environment Agency

Surface Water Drainage

Please note that we have not reviewed the surface water drainage information contained within the submitted FRA. The lead local flood authority (LLFA) should be consulted on this application so that they can formally review and respond to the surface water drainage proposals.

Flood Defence Consent

Notwithstanding the planning permission(s) that may be granted or extant on the site, any proposed works affecting statutory main rivers, within the indicative floodplain or within the byelaw distance requires the prior written consent of the Environment Agency under the relevant statutory legislation and current land drainage byelaws.

The applicant should consult us at the earliest opportunity in order to determine and secure formal flood defence consent for the proposed works as appropriate. It should not be assumed that securing such consent will automatic.

Land Contamination

We recommend that the developer should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination

2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to the contaminated land pages on GOV.UK for more information.

Foul Water

The application indicates that foul flows from the development would be connected to the existing mains sewer. The local sewage treatment works (STW) is Broadholme, which in 2014 had enough permitted headroom to accommodate the proposed development. The developer should contact Anglian Water Services (AWS) to discuss whether any upgrades to
the collection or treatment facilities would be required to serve this site. Existing headroom may be taken by other developments with granted permission, so should the development be delayed and happen at a later date, close liaison with AVS is needed to ensure that headroom is still available.

National Grid

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) apparatus. This assessment does NOT include:

- National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (http://www.nationalgrid.com/NR/rdonlyres/6D6525F9-59EB-4825-BA69-DBD7E69882C7/51319/EssentialGuidance.pdf).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications.

NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.
Case Officer: Graham Wyatt

Date received: 22 December 2015
Date valid: 8 January 2016
Overall Expiry: 8 April 2016
Ward: Higham Ferrers Lancaster
Parish: Chelveston-cum-Caldecott

Applicant: Wykes Engineering
Agent: Savills - Andrew Mann
Location: Chelveston Renewable Energy Park The Airfield Chelveston Northamptonshire NN9 6AR

Proposal: Construction of B2 manufacturing building with ancillary storage/office/facilities accommodation (B1), staff parking and associated hardstanding /HGV parking/turning area

This application is reported to the Planning Management Committee following an objection from the Parish Council.

1 Summary of Recommendation

1.1 That permission be APPROVED.

2 The Proposal

2.1 This is an application for the construction of a B2 (general industrial) manufacturing building with ancillary B1 (Business) storage/office/facilities accommodation, staff parking and associated hardstanding for HGV parking/turning area. The building will be used to manufacture photovoltaic panels and frames.

3 The Site and Surroundings

3.1 The site lies to the northwest of the Chelveston Renewable Energy Park (CREP), on land associated with the former RAF Chelveston Airfield and subsequent military uses. The existing renewable energy park sub-station and control building are situated to the immediate southeast of the site and the biomass facility building is close to the site. To the northeast and northwest are wind turbines and to the north, northeast and southwest solar arrays.

3.2 The site accommodates nine wind turbines and solar panel arrays approved under the previous applications covering land within both East Northamptonshire and Bedford districts. The area is screened from the east by a row of mature trees to the south. To the western boundary additional planting has recently taken place.

3.3 The site accommodates public footpaths which have been fenced off from the rest of the site. Footpath MM17 runs along the northern boundary of the site with footpath MM16 approximately 150 metres south of the site.

3.4 The closest residential properties lie at Chelston Rise some 1.2km to the south west of the site and Manor Farm, some 1km to the east.
4 Policy Considerations

4.1 National Planning Policy Framework

4.2 North Northamptonshire Core Spatial Strategy (2008)
Policy 1 Strengthening the Network of Settlements
Policy 5 Green Infrastructure
Policy 8 Delivering Economic Prosperity
Policy 9 Distribution and location of Development
Policy 13 General Sustainable Development Principles

4.3 North Northamptonshire Core Spatial Strategy Pre-Submission Plan July 2015
Policy 1 Presumption in favour of Sustainable Development
Policy 3 Landscape Character
Policy 4 Biodiversity & Geodiversity
Policy 5 Water Environment, Resources & Flood Risk Management
Policy 8 North Northamptonshire Place Shaping Principles
Policy 9 Sustainable Buildings & Allowable Solutions
Policy 11 Network of Urban & Rural Areas
Policy 26 Renewable Energy

4.4 Other documents
Local Highway Authority Standing Advice for Local Planning Authorities
Northamptonshire Highway Development Management Strategy - Fit for Purpose
Sustainable Design SPD
Chelveston-cum-Caldecott Parish Council Neighbourhood Plan 2015-2035
(consultation version) January 2015

5 Relevant Planning History

5.1 There is a detailed history on the site. The most relevant history includes
06/01824/FUL which refused permission for a change of use of redundant MOD
buildings for electricity generation and the construction and use of ancillary plant
equipment and the construction and use of an electricity switch room.

5.2 Reference 08/00194/NCC approved the construction and use of a biomass renewable
energy park.

5.3 Reference 08/00451/FUL refused permission for a change of use of redundant MOD
buildings for electricity generation and switching room construction and use of ancillary
plant and equipment.

5.4 Reference 10/00415/FUL refused permission for the development of a wind farm
comprising 9 wind turbines, five within East Northamptonshire district (the remainder
within Bedford Council area), each 125 metres in height to blade tip, one anemometer
mast of 80 metres in height, construction of access tracks, underground cabling, visitor
car park and viewing area. Permission was granted on appeal.

5.5 Reference 12/01993/FUL approved 1223 photovoltaic panel modules with 20 panels to
each module resulting in a total of 24460 panels and new access tracks.

5.6 Reference 14/00414/FUL approved extension to photovoltaic panels approved under
application reference 12/01993/FUL
6 Consultations and Representations

6.1 Neighbours: Twenty-two letters of objection have been received objecting to the proposal on the following grounds:

Traffic impact and highway safety;

Increased traffic activity;

Visual and environmental impacts;

Noise from use of building;

Impact on public rights of way/bridleways; and

Loss of agricultural land.

6.2 Other matters were raised that are not material planning considerations such as devaluing of properties, loss of views, impact on dog walking activities, use of benches and social areas at Chelston Rise and precedent for future uses.

6.3 Chelveston Parish Council: With regard to the above, the Council has now considered the application at a recent meeting and I am authorised to make the following response; This Council objects to the proposed development as being contrary to adopted and emerging local policy and wishes the following to be taken into consideration when determining the application;

1. Lack of support in the emerging Neighbourhood Development Plan.

a. The emerging Neighbourhood Development Plan (NDP) will be submitted to ENC to undertake the formal Regulation 16 consultation in March 2016.

The applicant states at 3.1.5 of the Planning, Design and Access Statement that "Given that the plan has not been adopted very limited weight should be given to its policies.", but then proceeds to claim support from the emerging NDP polices at 3.6 anyway. This Council notes that at Chelston Rise (adjacent to the CRE Park) an unrelated developer who also has an application being considered by ENC (EN/16/00180/OUT) in the same timeframe states at 6.11 of their Planning Statement that "Whilst not an adopted plan at present, the emerging NDP is well advanced in terms of adoption proceedings and therefore the aspirations of the Parish Council with regards to future development and growth within the Parish are considered to be a significant material consideration."

This Council believes that it is ENC who should form a judgement as to the weight the emerging NDP carries, not individual developers.

b. The applicant cites policy REN of the emerging NDP at 3.6 of the Planning, Design and Access Statement in support of the application as the initial use of the proposed development would be the assembly of photovoltaic or "solar" panels for use on site or elsewhere. Claiming that the assembly of photovoltaic panels is a renewable energy generation is akin to a farmer trying to claim that a building assembling tractors is agricultural. The use, in either case, is plainly industrial.

This Council does not recognise the industrial use of the proposed development as being one which is supported by policy REN in the emerging NDP.

c. Nevertheless, if ENC did determine that the assembly of photovoltaic panels is a renewable energy generation, then use class B2 encompasses a wide variety of industrial and commercial manufacturing uses and it would not be possible to limit the
future use of the proposed development solely to "renewables". Nor would it be possible to require removal of the proposed development once the renewable use finished.

It is noted that the applicant states at 3.2.5 of the Planning, Design and Access Statement that "The proposed B2 building will offer a flexible space with an internal void which can be reconfigured to suit any future potential use of the building. The incorporation of large roller doors will assist in maximising the potential alternative uses of the building for the entirety of its lifetime" and at 4.2.9 "The main building incorporates numerous loading doors to the southwest façade and movable internal partitions which would facilitate numerous alternative uses within the building ranging from manufacturing to agricultural storage uses without requiring any physical changes to the external fabric or appearance of the building."

This Council is therefore concerned that permitting this development would give rise to a use that would be contrary to policy REN1 part E in the emerging NDP.

d. The applicant cites policy REN1 part B of the emerging NDP as recognising a number of previously developed footprints within the CRE Park, including the central compound now used for offices and as the site of the new waste processing/transfer station (permitted under NCC/O8/00003/WAS and EN/08/00194/NCC). However, the proposed development is a 111.62m long building that extends westwards beyond the existing central compound.

This can readily be seen in figure 4.5 of the Planning, Design and Access Statement, where the proposed development would virtually double the east-west compound size when viewed from the north and south (such as from ROWs MM16, MM17 and MM18).

This Council considers that the scale of the proposed B2 building takes it way beyond the previously developed footprint recognised in policy REN1 and accordingly does not have support of policy REN1 in the emerging NDP.

e. Further, the proposed development doubling the east-west compound size would not "protect or enhance the amenity value of the Rights of Way on the airfield" when viewed from ROWs MM16, MM17 and MM18, contrary to policy REN1 part G section vii of the emerging NDP.

This Council considers that the scale of the proposed B2 building does not protect or enhance the amenity value of the ROWs and accordingly does not have support of policy REN1 in the emerging NDP.

2. Adopted Local Plan.

a. The proposed development will require 15 employees during normal operations. In a rural location with no weekly public transport, car travel, even from the nearest towns, is the only all-weather viable option for the proposed workforce.

Policy 13 e) of the adopted North Northamptonshire Core Spatial Strategy (NNCSS) states "Be designed to take full account of the transport user hierarchy of pedestrian-cyclist-public transport-private vehicle, and incorporate measures to contribute to an overall target of 20% modal shift in developments of over 200 dwellings and elsewhere 5% over the plan period;"

This Council considers the isolated rural location of the CRE Park does not lend itself to compliance with policy 13 (e) of the adopted NNCSS for the proposed development.

b. The proposed development's initial use will include inherently noisy assembly line activities, as per 4.2.6 of the Planning, Design and Access Statement that states "The
activities which will be carried out within the buildings would generate some noise, particularly in the building workshops. The processes include glass cutting and steel forming with presses and other machinery...". These sounds will be of a different nature, pitch and frequency to the existing whoosh of the turbines heard by the nearby receptors in the 50 dwellings at Chelston Rise.

Policy 13 (i) of the adopted NNCSs states "Not result in an unacceptable impact on the amenities of neighbouring properties or the wider area, by reason of noise...".

This Council considers the industrial assembly line processes will generate noise not currently experienced by users of the Rights of Way and the nearby residents of Chelston Rise and will be contrary to policy 13 (i) of the adopted NNCSs.

c. The existing solar and wind farms on the CRE Park generate little maintenance traffic, whereas the proposed development, not counting the HGV transport for goods in/out, will require a variety of third party light commercial vehicles that will need to access the site for servicing/supporting the development, as with any similar sized enterprise e.g. Royal Mail, office cleaners, parcel delivery, catering supplies for second floor canteen, office window cleaning, etc. Although the HGV's will be mandated to use NCC Highways approved route B, all other traffic is free to pass through the neighbouring villages in Beds and Northants on the minor roads.

Policy 13 (n) of the adopted NNCSs states "Not have an adverse impact on the highway network and will not prejudice highway safety".

This Council considers the isolated rural location of the CRE Park is not suited to a development that requires such traffic and will be contrary to policy 13 (n) of the adopted NNCSs.


This Council objects to the proposed development as being contrary to adopted and emerging local policies for the reasons stated above and requests that the application be refused.

6.4 Melchbourne and Yelden Parish Council: The Council has examined the proposals and resolved unanimously to object in the strongest terms to this application.

1. Cumulative impact and continuous industrialisation. The Parish Council does accept that the proposals relate entirely to the area within the boundary of East Northamptonshire Council. However, since the county boundary does not separate the industrialisation, the proposals can only be viewed as part of one large industrial area. The Council was shocked to see this application for a further development which would be in addition to nine wind turbines, in excess of 350,000 solar panels and a biomass plant. The site has been developed piece by piece and this would add further to the cumulative impact of which, in renewable energy terms, is now one of the largest in the UK. This proposal would also create a change in the nature of business functions, increasing the levels of activity, noise and traffic flow to an already busy site.

2. Visual impact. It is acknowledged that the airfield was, technically, a brownfield site prior to the development but the site offered an open green space with views over the surrounding countryside which has now been destroyed and replaced with unsightly buildings and installations.

3. Loss of recreational amenity. Prior to the commencement of development, this amenity offered peace and tranquillity, with grazing cattle and a haven for wildlife. The site is now industrial, with regular traffic using BWY 18 making frequent visits to the biomass plant and other installations. For the user, this is a very dusty, dangerous and
unpleasant experience which deteriorates with the systematic creeping industrial development and the increasing incidence of visits by Heavy Goods Vehicles. In terms of the value of this site as a recreational amenity, the Parish Council now considers this to be worthless.

4. Loss of character. The Council believed that planning policies would ensure that all development would enhance the character & quality of an area. Local distinctiveness would be protected and that, in considering design principals, renewable energy developments should improve the character and quality of the area. However, the Council is unable to understand how these policies have protected this area when the character has been destroyed by the series of developments.

5. Responsibility and consultation. The Parish Council and community are supportive of the need for renewable energy and appreciate that sacrifices have to be made in order to develop this much needed resource. However, it is not just the responsibility of a few small communities to bear the brunt of enormous renewable energy sites. The community feels bulldozed, completely ignored, overwhelmed and without the mechanism of a voice under the Localism Bill. The council continues to be disappointed that there has been no pre-application engagement with the community at all during the development of the rapidly increasing solar and industrial installations and would have hoped this consideration would have been offered by the applicant as suggested under paragraphs 188-191 of the National Planning Policy Framework.

It is felt that advantage has been taken of the accommodating nature of the local people in this area and any further development would be highly detrimental to the local community. The Parish Council feels, very strongly, that the benefits of the type of progressive development proposed are now outweighed by the harm which is being caused to the local area and suffered by the local community.

6.5 Bedford Borough Council: No objection.

6.6 Environmental Protection (Noise): Based on the submitted information Environmental Protection now has no objection to the proposed development on the grounds of noise. However, it may be prudent to place conditions on the planning permission to ensure the roller shutter doors are kept closed except when deliveries are being made or manufactured solar panels are shipped out. Furthermore, the assessment is made on use of the building during ‘normal working hours’ and again you may wish to place a condition on the planning permission restricting working hours to those quoted in the noise assessment, 08.00 to 18.00 hours Monday to Friday.

6.7 Environmental Protection (Contaminated Land): No objection subject to conditions.

6.8 Environment Agency: No objection. Advice to applicant regarding connection to a public sewer, septic tanks and sewage treatment plants.

6.9 North Northants Badger Group: No objection.

6.10 NCC Highways: I appreciate that for the current proposed use of the site 17 spaces would be adequate and I am happy to consider ways to prevent construction of unnecessary spaces. Perhaps this could be a condition that restricts use to the current use.

6.11 Police Liaison Officer: No objection or comment
7 Evaluation

7.1 The following considerations are relevant to the determination of this application.

7.2 Policy Position

7.3 The development plan for the area comprises the East Northamptonshire Council Local Plan 1996, the North Northamptonshire Core Spatial Strategy 2008 (CCS) and the emerging North Northamptonshire Joint Core Strategy 2015 (JCS). The National Planning Policy Framework (NPPF) must also be taken into account when considering the proposal.

7.4 Chelveston Parish Council has referred to the Chelveston-cum-Caldecott Neighbourhood Plan 2015 - 2035 (Consultation version 2.0). However, this document has not been the subject of formal public consultation or independently examined. As a result, limited weight can be attributed to this document. Moreover, it is not certain that policy REN1 (E referred to by the Parish will remain part of the Neighbourhood Plan as it seeks to restrict development and is therefore not NPPF compliant Conversely, the JCS has been through a formal public consultation and public examination. It is likely to be adopted this summer and therefore significant weight can be afforded to it.

7.5 Paragraph 12 of the NPPF emphasises the importance of the development plan as the starting point for decision making. It states that development which accords with the development plan should be approved and that development which conflicts should be refused unless other material considerations indicate otherwise.

7.6 The existing CSS was adopted in June 2008 and pre-dates the NPPF and is largely considered out of date and is not NPPF compliant. However, as it is the adopted plan for the area, weight must be afforded to it. Policy 1 and 9 of the CSS seeks to direct development in rural areas to sites within settlement boundaries. However, this has been superseded by the introduction of the NPPF in 2012 which now states at paragraph 28 that in order to secure a prosperous rural economy,

"local and neighbourhood 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."

7.7 Policy 22 of the emerging JCS echoes the NPPF and states that in ensuring a prosperous rural economy sufficient high quality sites are identified to support the delivery of the minimum job targets...recognising opportunities provided by the priority sectors of Renewable and Low Carbon Energy and Green Technologies, High Performance Technologies and Logistics...prioritising the enhancement of existing employment sites and the regeneration of previously developed land.

7.8 While policy 22 expects priority to be given to previously developed land and existing employment sites, historically the site formed part of an airfield and CREP has been the subject of various applications for renewable energy production with wind turbines and solar arrays permitted and installed. The NPPF also makes it clear that both local plan and neighbourhood plan policies should support the expansion of all businesses through the conversion of existing buildings and well designed new buildings.

7.9 Therefore, it is clear that both the emerging JCS and the NPPF support new business ventures that will secure a prosperous rural economy and the JCS also supports the creation of businesses that deal with renewable and low carbon energy and green technologies as proposed in this application.

7.10 Policy 13 (General Sustainable Development Principles) of the CSS and policy 8 (Place Shaping Principles) of the JCS are also material to the determination of this application.
and will be considered below.

7.11 The Proposed Buildings/Visual Impact

7.12 The application proposes two buildings; a B2 (general industrial) building and a B1 (business) building. The buildings would be located adjacent to one another and south of the existing biomass facility. The buildings would be completely surrounded by existing solar arrays. The B2 building would measure 131m (l) x 34m (w) x 12m (h) and would be constructed of profiled steel sheeting coloured goosewing grey and Vandyke brown. The roof will be pitched and contains translucent sections to allow natural light into the building.

7.13 The B1 building would be the same height as the B2 building and is a square of 18m x 18m. All elevations will be glazed with a central lantern on the roof to allow natural light into the building. Parking areas would be sited adjacent to the B1 building.

7.14 The B2 building would be used to manufacture solar panels and the B1 building used as office space to meet the admin needs of the site, with small storage area and staff facilities (toilets/showers etc.).

7.15 Policy 13 of the CSS and policy 8 of the JCS both require developments to be of a high standard of design which respects its surroundings. Indeed, the NPPF states that for new business buildings to be allowed in rural areas, they must be well designed. The main building is large, but must be seen in its context. The immediate area used as a renewable energy park and contains a large number of existing structures and buildings. The B2 building would resemble an agricultural building and would be constructed using similar materials. The smaller admin building would be seen against the backdrop of the larger B2 building. It is considered that the proposed buildings are well designed and would not have a significant impact on the character of the area. The proposal is therefore acceptable in this regard.

7.16 Highway Safety

7.17 Northamptonshire County Council as Local Highway Authority have considered the proposal in terms of parking and highway safety and do not raise any objection to the proposal. A condition restricting the use to the manufacture of solar panels is recommended in line with the comments of the Highway Engineer.

7.18 Noise

7.19 A number of objectors have raised noise from the use of the building as an issue. Environmental Protection have considered the proposal and the submitted Noise Survey and are satisfied that the development will not impact on the amenities of adjoining occupiers through noise. The condition suggested by Environmental Protection to control working hours (0800 to 1800 hours Monday to Friday) is accepted and recommended to be included on any permission granted. This will be extended to allow Saturday mornings in line with the standard condition with no working Sundays or bank holidays.

7.20 Public Protection have also recommend that the roller shutter doors are kept closed except when deliveries are being made or the manufactured solar panels are shipped out. This is a reasonable request and a condition is provided as suggested.

8 Other issues

8.1 The development will not impact on the surrounding network of public footpaths/bridleways which remain open for public access. Given its context the loss of agricultural land at this part of the site is not considered a reason to warrant refusal of
the application.

9 Recommendation

9.1 That permission be APPROVED subject to the following condition(s):

10. 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 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a schedule of the materials and finishes for the external walls and roof(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.
   Reason: To achieve a satisfactory elevational appearance for the development.

3. The development hereby permitted shall be carried out strictly in accordance with the following plans: CREL2159-0 (CREP office floor plan), CREL2156-E (PV panel assembly building site location plan), CREL2156-E (PV panel assembly building block plan), CREL2157-B (Proposed PV assembly compound layout), CREL2154-A (Building floor plan proposal) and Planning, Design and Access Statement (December 2015)
   Reason: In order to clarify the terms of the planning permission and to ensure that the development is carried out as permitted.

4. The operational use of the premises shall be restricted to the following times:
   - Monday-Friday - 0800 – 1800
   - Saturday - 0800 – 1300
   - Sunday and Public Holidays - No time
   Reason: In order to safeguard the amenities of the area

5. No retail sales whatsoever shall take place from the premises.
   Reason: The use of the premises for retailing purposes would be inappropriate

6. No mezzanine floors increasing the floor space available within the building(s) hereby permitted shall be carried out without the prior express planning consent of the Local Planning Authority.
   Reason: To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area

7. The main building hereby approved shall be used only for the purpose of the manufacture of solar photovoltaic panels only and for no other purpose whatsoever, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
   Reason: To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area.

8. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.
   The scheme for landscaping the site shall include:-
(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
(c) details of the hard surface areas, including pavements, boundary treatments, pedestrian areas, reduced-dig areas, crossing points and steps.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development.

10. 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.

11. If a potential risk from contamination is identified as a result of the work carried out under condition 10, 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.

12. If contamination is found by undertaking the work carried out under condition 11, 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

13. If remedial works have been identified in condition 12, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 12. 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

14. 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

15. Prior to the occupation of the building(s) hereby approved a scheme for external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of the visual amenity.

16. The roller shutter doors of the main building are kept closed except when deliveries are being made or the manufactured solar panels are shipped out.

Reason: In order to safeguard the amenities of the area

Informatives

Conditions, 2, 8 and 10 are pre-commencement conditions required to ensure the development is carried out in a satisfactory manner

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.
## Committee Report

**Case Officer** Rosalind Hair  
**16/00367/FUL**

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**Applicant** Lutton Farm C/o Agent  
**Agent** Henry H Bletsoe And Son  
**Location** Land West Of Fotheringhay Road Tansor Peterborough Northamptonshire PE8 5HP

**Proposal** Erection of polytunnels

This application is reported to the Planning Management Committee because it falls outside the Scheme of Delegation in Part 3.2 of the Council's Constitution (2015).

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

2. **The Site and Proposal**
   
   2.1 The application proposes the erection of polytunnels on 4.61ha of land to the West of Fotheringhay Road, Tansor. The site is currently used for the growing of blue berries and the application explains that the use of polytunnels would allow the ripening of the fruit much earlier in the year, enabling the applicants to exploit better early season market prices and compete with produce imported from the continent (Design and Access Statement).
   
   2.2 The polytunnel frames would be 6.6m wide with a height of 3.5 metres. The metal frames would be screwed into the ground and would be covered with plastic during the growing season (April to July). Outside of the growing season the plastic would be removed from the frames.
   
   2.3 Adjoining land to the north and west (extending to approximately 23.75 hectares) is already used for the growing of fruit under polytunnels.
   
   2.4 There are a number of TPO trees close to the east site boundary, adjacent to the highway verge.

3. **Policy Considerations**
   
   3.1 National Planning Policy Framework (NPPF)  
   National Planning Policy Guidance (NPPG)
   
   3.2 North Northamptonshire Core Spatial Strategy (NNCSS):  
   Policy 9 – Distribution and Location of Development  
   Policy 13 – General Sustainable Development Principles
3.3 Rural North Oundle and Thrapston Plan (RNOTP):
Policy 7 – Floodrisk

3.4 Draft North Northamptonshire Joint Core Strategy 2011-2031:
Policy 1 – Presumption in Favour of Sustainable Development
Policy 3 – Landscape Character
Policy 5 – Water Environment, Resources and Flood Risk Management
Policy 25 – Rural Economic Development and Diversification

3.5 Other Documents:
Trees and Landscape SPD (WBC and ENC)

4. Relevant Planning History

4.1 13/00182/FUL - Erection of polytunnels (permitted)

4.2 07/00273/FUL - Erection of polytunnels on land used for the purpose of growing strawberries - Retrospective (permitted)

5. Consultations and Representations

5.1 Neighbours: None received

5.2 Parish Council: None received

5.3 Highway Authority: No comments

5.4 Environment Agency: This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

5.5 Lead Local Flood Authority: The impacts of surface water drainage have been adequately addressed.

6. Evaluation

6.1 The following considerations are relevant to the determination of this application:

6.2 Principle of Development

6.3 The proposal would support the existing farming activities taking place at the site and as such the principle of development is supported e.g. Draft JCS Policy 25 seeks to promote the development and diversification of agricultural and other land-based businesses including locally sourced produce and increasing the use of sustainable food production methods. NPPF (para. 28) similarly promotes the development and diversification of agricultural and other land-based businesses.

6.4 Visual Impact

6.5 Whilst the polytunnels would undoubtedly be visible from Fotheringhay Road and the surrounding area, the site is relatively flat and is not unduly prominent in the surrounding landscape. The proposed polytunnels would be viewed in the context of the existing polytunnels on the adjoining land and in this context it is not considered that the proposal would have a significant harmful impact on the character and appearance of the countryside. The position of the site is such that there would not be a significant impact on the character of Tansor village, as the site is separated from the village by an area of mature trees.
6.6 It is noted that the applicant intends to provide screen planting to the eastern edge of the site and a condition is recommended to agree the details of a planting scheme, to also specify the north eastern boundary which is currently unplanted. Officers note the boundary hedge fronting Fotheringhay Road was previously supplemented with additional planting (Design and Access Statement), however there are gaps evident in this hedgerow and therefore the recommended landscaping condition also requires restocking of this hedgerow. Subject to the attachment of the recommended condition, it is considered that there would be adequate screening of the development.

6.7 Flooding/Drainage Issues

6.8 The application does not fall within a high risk flood zone (zones 2 or 3) and the development is not considered to be at significant risk from flooding, however the impact of the development on surface water drainage needs to be considered.

6.9 The application is accompanied by a Flood Risk Assessment prepared for a previous planning application for polytunnels on the adjacent land. This details a surface water drainage strategy which operates with a series of vegetated or straw lined channels that run along the polytunnel leg stands. These are dammed at intervals with sandbags to provide water storage to allow infiltration to the ground to reduce flows from the channels. The Lead Local Flood Authority has confirmed that the proposed surface water drainage arrangements are satisfactory and subject to a condition to ensure the development is carried out in accordance with the drainage methods detailed in the submitted Flood Risk Assessment, it is not considered that the proposal would give rise to flooding or drainage issues.

6.10 Highway safety

6.11 The proposal would not result in an intensification of use and therefore no significant highway issues are raised. A note to applicant is recommended to advise that care should be taken not to cause damage to the trees or their roots.

6.12 Impact on Neighbouring Amenity

6.13 Neighbouring properties are sufficiently far from the site so as not to be adversely affected.

6.14 Trees

6.15 It is not considered that the proposal would significantly impact on the TPO trees adjacent the site.

7. Other Issues

7.1 No other significant issues identified.

8. Recommendation

8.1 That planning permission be GRANTED subject to conditions.
9. **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
   
   **Reason:** To comply with 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 strictly in accordance with the approved plans ‘Promap’ and ‘Bletsoe’ location plans, plan showing layout of polytunnels and ‘Elevational Drawings of Polytunnels at Tansor’. The materials to be used in the development shall be as stipulated in the application.
   
   **Reason:** For the avoidance of doubt and in the interests of visual amenity.

3. The surface water management measures outlined in the Flood Risk Assessment (FRA) (envireau water April 2013), shall be implemented in conjunction with the development and thereafter the surface water drainage system shall be managed and maintained in a satisfactory working manner in accordance with the details in the FRA.
   
   **Reason:** To prevent the risk of surface water flooding.

4. Prior to the commencement of development, a planting scheme shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include:
   
   i) details of restocking for the hedgerow boundary adjacent to Fotheringhay Road (with native species);
   
   ii) details of screen planting along the east/north eastern edges of the site (including species, position, planting densities and future management).
   
   The agreed scheme shall be implemented in the first planting season following the erection of the polytunnels and thereafter shall be retained and managed as per the agreed details.
   
   **Reason:** In the interests of visual amenity.

5. The plastic sheeting associated with the polytunnels hereby approved shall be utilised between 1st April - 31st July only. The sheeting shall be completely removed from the metal frames outside of these dates.
   
   **Reason:** To protect the visual amenity of the area.

10. **Notes to Applicant**

1. This application has been determined in accordance with 186 and 187. No negotiations or amendments were required.

2. The details pursuant to condition 4 are required prior to the commencement of development because they are critical to the material considerations of the scheme. The development would not be acceptable without these details being first approved.

3. The applicant is advised that trees immediately to the east of the application site are protected by preservation order. Care must be taken to avoid any damage to the trees or their roots.
Committee Report

Committee Date: 20th April 2016

Case Officer: Wayne Cattell

Applicant: F And A George Ltd - Mr A Gunn
Agent: Mr I Savagar
Location: Mill Farm Buildings Kings Cliffe Road Blatherwycke Peterborough Northamptonshire PE8 6YW
Proposal: Agricultural grain storage building

This application is reported to the Planning Management Committee because it falls outside the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2015) in that it involves over 1000m2 of floorspace.

1. Summary of Recommendation

1.1 That the application is APPROVED subject to Conditions.

2. The Proposal

2.1 The application proposes the erection of a large agricultural building. It will be used for the storage of grain.

3 The Site and Surroundings

3.1 The application site is within the open countryside just outside the village of Blatherwycke. It will be located in what is currently a field but will be associated with two other existing agricultural buildings which form a small farmyard. The site is not in a conservation area but there is an adjacent listed building.

4 Policy Considerations


4.2 North Northamptonshire Core Spatial Strategy Policy 13 - General Sustainable Development Principles plus emerging Replacement Joint Core Strategy 2011 - 2031

5. Site History

5.1 Most recent 98/00221/FUL - Additional grain drying, handling and storage facilities withdrawn.

6. Consultations and Representations

6.1 Blatherwycke Council - No views received within the timescale given to comment (expired 29th February 2016). In giving views as an individual, one of the Parish Councillors would like to see screening to the east and north sides of the store as well as the south. He points out it is a very large building and the potential impact on the visual amenity of the area is considerable. He adds there is a public right of way running north through the farm yard and so members of the public will be impacted
when walking south along this route.

6.2 Highway Authority -- (summary) - The existing access appears to be adequate for the proposed use and there is good visibility available. Public Footpath MH5 crosses the site, but will be unaffected by the proposed barn. Please emphasise to the applicant the necessity of keeping public footpath MH5 open, available and safe for public use throughout the construction process. We have no objection subject to a condition.

6.3 East Northamptonshire Council, Environmental Protection - No objections.

6.4 Environment Agency - (summary of final views) - No objections subject to a planning condition provided that the Council is satisfied that the proposal passes the sequential test.

6.5 North Northants Badger Group - No observations.

6.6 Natural England - No comments to make.

6.7 County Archaeological Advisor - No objections to the proposal on archaeological grounds.

6.8 A site notice was put up on 9th February 2016.

6.9 In addition, a letter was sent to Blatherwycke Mill on the opposite side of the road.

6.10 No views have been received in response within the timescale given to comment.

7. Evaluation

7.1 Visual impact on the open countryside and impact on nearby residential dwellings are relevant considerations to the determination of this application.

7.2 National guidance contained within the NPPF - Requiring Good Design attaches great importance to the design of the built environment as good design is a key aspect of sustainable development. Good design should contribute positively to making places better for people. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture and appropriate landscaping.

7.3 Policy 13 of the adopted North Northamptonshire Core Spatial Strategy requires new development to comply with a number of sustainable principles including being of a high standard of design. Related to this, part of Criterion o) of this Policy seeks to protect designated built environmental assets (such as listed buildings) and their settings.

7.4 The development comprises the construction of a building that is just less than 11 metres tall and which is almost 55 metres long by just over 24 metres wide.

7.5 The design of the building is traditional in agricultural terms. Details of the proposed materials have been submitted as part of the application. These include the use of green steel sheeting as the predominant material. They are considered acceptable.

7.6 The proposal involves a much larger building in terms of floor space than two which already existing on adjacent land. However, a montage has been submitted with the application which shows it will only be slightly taller. It will also be closely associated with these other buildings and so will just create a larger farm complex than exists at present. This will not be out of keeping with the surroundings. In addition, the
application proposes a programme of landscaping along the road frontage which can be secured via planning condition. It is noted that, as an individual, one of the members of the Parish Council requests that this is also extended to the east and north sides of the building. These comments are agreed with and the proposed condition should also request this. On the basis of this, the size of the building is considered acceptable.

7.7 In terms of other matters, the closest residential property to the proposal (Blatherwycke Mill) is located on the opposite side of the road and is also separated by the existing agricultural buildings. It is considered far enough away so that their light is not significantly affected by the proposal. This includes a listed building as one of the properties at this location. Due to the separation by the road plus the other agricultural buildings which are already at this location, the setting of this is not considered to be significantly affected.

7.8 In addition, the proposed use is considered not to result in any detrimental impact on nearby residents as it is associated within an existing complex of farm buildings. It is therefore not considered to give rise to any significant additional pollution or odour risks compared to those which may already occur.

7.9 The site is located within Environment Agency flood zones 2 and 3. The Environment Agency has been consulted on the Application and, providing the Council accepts the location of the building is the best in terms of the sequential test, they have no objections subject to the imposition of a planning condition to reduce the risk of flooding of the proposed development and surroundings areas.

7.10 In response to this, and in relation to the sequential test, the building will be located in close association with some other farm buildings. The immediate surroundings comprise open countryside. If the site of the building is moved to the north, east or west further away from the existing buildings, it will increase the intrusion of it into the surroundings. To the south is a road and to the other side of this, the land is at even more of a risk from flooding. On this basis, the proposed site is considered to be the best in terms of the sequential test. The planning condition recommended by the Agency is considered reasonable and, on this basis, the proposal is considered acceptable on flood risk grounds.

7.11 Finally, in terms of possible highway implications, the proposal will involve extra traffic movements. The Highway Authority has no objections subject to the imposition of a condition on any decision notice to secure the protection of a right of way which shares the access plus other measures during construction works. On this basis, the proposal is considered acceptable on highway grounds.

8. Other matters

8.1 None

9. Recommendation

9.1 The application is Approved subject to the following Conditions:

10 Conditions/Reasons -

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

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The external finishes as shown on the submitted plans and detailed in the application shall be executed as part of the approved scheme and retained in perpetuity thereafter.
   Reason: To achieve a satisfactory elevational appearance for the development.

3. The development hereby permitted shall not be commenced until such time as a scheme to ensure that no development takes place within the 1 in 100 year extent (50.83m OAD), has been submitted to, and approved in writing by, the local planning authority. If the development is to fall within the 1 in 100 year extent, then Floodplain compensation must be provided on a level for level, volume for volume basis.

   The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
   Reason: To reduce the risk of flooding to the proposed development and surrounding areas.

4. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include and specify the provision to be made for the following:

   A detailed work programme / timetable.

   Site HGV delivery / removal hours

   Detailed routeing for demolition, excavation, construction and abnormal loads.

   A detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.

   Details of debris management including location of any wheel wash, programme to control

   Debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust

   Management.

   Details of public impact and protection to include the adjacent road and public footpath MH5.

   The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.
   Reason: In the interests of highway safety and the protection of public right of way MH5 in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

5. Notwithstanding the detail shown on drawing 7099/2 received on 3rd February 2016 January 2016, a landscape scheme shall be agreed prior to the commencement of the development. This shall include screening to the north, east and south of the building. The landscape planting shall be carried out in the first available planting season following completion of the development. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
   Reason: To ensure a reasonable standard of development and visual amenity for the area.
6. Except where otherwise stipulated by Condition, the Application shall be carried out
strictly in accordance with drawings 7099/1 and 7099/2 both received on 3rd February
2016

Reason: In order to clarify the terms of the Planning Permission and to ensure that
the development is carried out as permitted.

Reason for Decision

In reaching this decision, this Council has implemented the requirement in the National
Planning Policy Framework to deliver sustainable development in a proactive and positive
way in accordance with paragraphs 186 and 187.

Reason for pre-commencement Conditions

The details pursuant to conditions 3, 4 and 5 are required prior to the commencement of
development because they are critical to the material considerations of the scheme. The
development or works would not be acceptable without these details being first approved.