## APPLICATIONS FOR DETERMINATION

### PLANNING MANAGEMENT COMMITTEE - 3rd July 2019

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Outline: One drive-thru unit (Use Class A1/A3/A5) alongside a petrol filling station (Sui-Generis/A1) (All matters reserved except Access)

Two storey and single storey extensions to side and rear of existing dwelling

Site development board promoting the proposed development on land to the north of Asda
Planning Management Committee Plan

18/02433/OUT

John Clark Way, Rushden
Comparison of access points 05/01774/REM and 18/02433/OUT.
Case Officer: Wayne Cattell

18/02433/OUT

Applicant: Godwin Developments

Agent: Simply Planning - Mr A Thornton

Location: Proposed Office Site, Adjacent A6 Roundabout, John Clark Way, Rushden, Northamptonshire


1 Update for Members

1.1 A decision on this application was deferred at the 8th May 2019 meeting of this Committee to enable the following additional work to be undertaken:

- Officers were asked to investigate and provide further information/comparison between extant permission and the proposal in terms of traffic impact; and

- That a health impact assessment be requested from the applicant.

1.2 Since then, the application has been amended to reduce the number of proposed ‘drive-throughs’ from two to one. This involves an increase in the indicative floor space shown for the petrol filling station from 371m² to 504m² and a single ‘drive-through’ with an indicative floor space of 250m² as opposed to two ‘drive-throughs’ of 168m² and 165m². Whilst the total indicative floor space is increased, as there will be one less ‘drive though’, the applicant is of the view that the impact of the development on the surroundings will be less.

1.3 In addition, even though the indicative size of the petrol filling station, and therefore the related amount of space for retail use within it, has been increased compared to the original proposal, the amount of floorspace for A1 retail use is still considered to be too low to conflict with the shops in Rushden or Higham Ferrers town centres. It is considerably less than the 2500m² threshold in the National Planning Policy Framework for a retail impact assessment to be required. In addition, whilst there is a threshold of 280m² in the Council’s emerging Local Plan which requires the assessment of the impact of retail developments outside the Primary shopping area of Rushden and 100m² in the case of market towns such as Higham Ferrers, the A1 retail element of the scheme is not the main purpose of the development. In addition, the main customers are likely to be those travelling on the A6 and also only those in the closest housing. Accordingly, it is not considered to cause conflict with the retail units in the two town centres.

1.4 Irrespective of the change to the scheme, the applicant has commissioned studies on the two topic areas which were of concern to Members at the last Committee and the outcome of these is summarised below.
1.5 In relation to traffic impact, the extant permission at the site (05/01774/REM) is for an office use.

1.6 The proposed access is located in close proximity to the access for the previous office permission with amendments having been made in order to support vehicular tracking within the site. As part of the extra information, vehicle tracking details have been submitted which show that a tanker, measuring over 15m in length, can safely access the site, navigate the internal roads, and egress the site in a forward gear.

1.7 It was previously agreed with the Highway Authority that the introduction of a petrol filling station at this location will not create any significant ‘new’ trips in the vicinity. Instead, trips will mainly consist of ‘pass-by’ trips from vehicles already on the highway network. With this in mind, a comparison between the ‘new’ trips on the highway network as between the currently proposed single ‘drive-through’ and the previously approved office use has been undertaken. This shows a decrease in 2 trips in the AM peak and an increase of 13 trips in the PM peak. When these are looked at together, they comprise an increase of 11 trips at peak times. The applicant’s highway consultant considers that this level of increase is not a source of concern.

1.8 The Highway Authority (Northamptonshire County Council) has been consulted on this information and it concurs with the conclusions that there will be no significant impact on the highway network as per its previous advice and even less so given the reduction in the number of units now proposed.

1.9 In view of the latest response from Northamptonshire County Council as Local Highways Authority, the proposal is now considered to be acceptable on highways grounds.

1.10 As the quantum of proposed development has been revised, the parking situation on site also needs to be reviewed. In terms of the amount of parking provision to serve the development, the revised layout now shows 51 parking spaces including 4 for disabled people.

1.11 The standards specify petrol filling stations should have 1 parking space per 25m2 of retail space. Even, assuming the whole building is taken up for this use (which will not be the case), this means 21 spaces are required to serve this.

1.12 In addition, A3 uses should have 1 space per 14m2 and A5 uses should have 1 space per 20m2. As it is not known how much of the other building will be taken up by each of these uses, for the purposes of calculating parking provision, it is best to base any calculations on all the building being in A3 use as this has the higher of the two requirements. Based on this, 18 spaces are needed to serve this.

1.13 Based on these calculations, a total of 39 car parking spaces are required for the whole site. As the indicative layout shows 51 spaces this is much more parking provision than the standards require. Accordingly, in principle, the proposal is still acceptable on parking grounds and the final detail can be concluded at the reserved matters stage. The amount of disabled parking provision should also be 10% of the total and this is also easily achievable.

1.14 On the topic of health risk, the main issue that needed to be investigated is how the presence of a takeaway outlet (an A5 use) adjoining a petrol station on the outskirts of Rushden may present risks to healthy behaviour and lifestyles (nutrition), primarily for students attending local schools. As this is an Outline application, the precise nature of
such a use is not known at this stage. The application therefore has to be considered on the basis that any type of A5 use could proceed.

1.15 The closest schools to the site are The Ferrers Specialist Arts College, Denfield Park Primary School and the planned Friars East Free School. The site could be accessed from The Ferrers Specialist Arts College via a footpath which runs adjacent to the site. This footpath links to the Greenway which, in turn, gives access to the front of the school site. In total, the distance along these two paths to the front of the school is just less than 780m. Denfield Park Primary School and the planned Friars East Free School are both in the region of 1000m from the site and are not as accessible to it. Denfield Park School is also located further within the town and so very few pupils will pass the site on their way to and from it. In addition, as it is a primary school, they will generally be accompanied by adults and are not generally allowed out during school hours. Friars East Free School is anticipated to have 145 students when it opens and, due to this low number and distance from the site, is not considered to be significantly affected. The main potential impact is therefore on students at The Ferrers Specialist Arts College.

1.16 In response to the concerns about potential health impact, the report commissioned by the applicant concludes that the proposed development is unlikely to alter the behaviour and lifestyle choices of people in the vicinity in a way that would be sufficient to impact upon the health and wellbeing of local students. This is on the following basis:

- The proposed development would be located on the outskirts of town away from typical student transport routes;
- Alternative food outlets in closer proximity to residents and along school routes exist; and
- Student mobility and relative economic means would limit their potential use of such a development.

1.17 The advice of the Council’s Environmental Health Team has been sought on this report and they believe that the author is correct in the assumption that the siting of a takeaway with a ‘drive through’ in the proposed location will have minimal impact on the health of children of school and college age. They add the proposed outlet may affect the behaviour and lifestyle of adults in the area. However, given that most people will require their own transport to access the site, other takeaways and locations around Rushden and Higham would also be easily available to them and therefore they suggest there would be a minimal impact on the adult population.

1.18 In response to the fact that there is a footpath adjacent to the site which could be a route from The Ferrers School at times when pupils can leave the school during the day, the Higham Ferrers town centre is equally as accessible from this school and the variety of destinations this offers is considered to be more of an attraction for students.

1.19 There is, however, a new housing development on the opposite side of the road to the application site. In addition, Members will also be aware of an undetermined application for up to 300 dwellings adjoining the application site (18/01648/OUT - which was considered at Committee on 8th May and a decision on this was deferred to enable more highway related work to be carried out). A possible route to and from school each day from both of these developments could be past the proposed development and then along the footpath and the Greenway to the school. Recent
figures show that the school has just over 1000 students. This could be the shortest route to the school for those who live opposite the application site and it is accepted that some may find a takeaway fast food outlet at this location an attraction as they pass it. Some other students from the adjacent proposed housing site may also use this route in due course. However, the developer for that site is seeking to have a pedestrian route into the town in closer proximity to the school entrance for many of the residents and also, possibly, a direct route into the school site. Overall, whilst these situations may result in some students passing the site each day, many more students will come from other locations in the two towns and their route to the school entrance will not involve them passing this site. Accordingly, as it is not to be located near the school entrance (it will be approximately 780m away via footpath links), the proximity of the proposed takeaway outlet to the route to and from the school for only a proportion of the students is not considered sufficient to justify refusing planning permission on health risk grounds.

1.20 It should also be noted that the consideration of this matter has assumed any type of A5 fast food type outlet such as McDonalds, Burger King or Kentucky Fried Chicken and the advice is that it would not be justified to refuse this on health risk grounds. However, a lower key, ‘coffee related’ outlet such as Costa or Starbucks could be all that comes forward. In which case, the implications will be much less.

1.21 Overall, in view of these points, it is not considered justified to refuse planning permission on the grounds of any health risk associated with the proposed ‘drive-through’ unit.

1.22 As a result of the amendments to the scheme following the planning committee decision of 8 May, the scheme has been re-publicised in accordance with the Town and Country Planning (Development Management Procedure) Order 2015. This included re-advertising it again by placing a new site notice on site and by consulting direct with all consultees and third parties who have commented on the original application. 21 days has been given for views to be made and the following is a summary of all the responses that have been received:

County Highway Authority - I would concur with your conclusions that there will be no significant impact on the highway network as per our previous advice and even less so given the reduction in the number of units now proposed.

East Northamptonshire Council, Senior Environmental Health Officer - I have read the report and am familiar with the proposed location of the development. I believe that the author of the report is correct in the assumption that the siting of a takeaway with a drive through in the proposed location will have minimal impact on the health of children of school and college age. The location of the proposed development makes it hard for people who do not drive to access the takeaway meaning that most trips to purchase food will be by passing drivers. Given the location, it is unlikely that children will walk past the takeaway to and from school and there would not really be time for children to access the location during school breaks. It is conceivable that parents driving children to and from school may stop at the location, however, in this scenario the parent has control of the situation and what food is consumed. The main unknown factor in the application is not knowing who the occupier of the outlet will be. Depending on the occupier the outlet may or may not be open for breakfast. If the location is not open until lunchtime this may then further limit access by children. The proposed outlet may affect the behaviour and lifestyle of adults in the area, however, given that most patients will require their own transport to access the site, other takeaways and locations around Rushden and Higham would also be easily available to them. I would therefore suggest there would be a minimal impact on the adult
population. Please note these are my opinions based on the current information at hand.

Environment Agency - Do not wish to make any further comments on the application. Confirm their comments on the last application (no objection) still stand.

Natural England - No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Northamptonshire County Council as Lead Local Flood Authority - Summary – Recommend the same conditions and informative comment as when the application was originally considered.

East Northamptonshire Council, Environmental Protection Team - Summary of views - Notes the revised layout and, in particular, that a jet wash and tanker stand has been included in the amended scheme. Advise that noise from these and jet washes, in particular, can be very intrusive and result in adverse impact. Accordingly, they would object unless they are suitably located and controlled. However, they add the location, noise attenuation and hours of use can be agreed through a suitably worded planning condition.

Higham Ferrers Town Council - Object with the same comments as previously made.

East Northamptonshire Council, Senior Tree and Landscape Officer – No further comments to make.

1.23 In addition, views have been received from an adjacent resident which, in summary, still objects to the new plans for the petrol filling station and one drive through unit. Although the objector is aware that only one drive through unit is now proposed, they note areas for a jet wash and car vacuums has been added. They consider this will mean it will still impact on the lives of people who live opposite in Tyne Way and there will be problems with excessive noise and traffic. They advise that the entrance to this proposed site is opposite their residence and they consider the constant noise and lights from excessive traffic entering and exiting the site will have a detrimental impact on their life. They also think that there are potential safety issues with traffic between the two roundabouts when cars enter and exit the site and, if two nearby housing developments that are also proposed proceed, it would cause immeasurable traffic problems. Accordingly, they see no reason why the planning application 18/02433/OUT should be approved.

1.24 Another respondent expresses concerns, in summary, about the health related implications of the proposed fast food and, in particular, that the health impact assessment report ignores the proposed development of 300 dwellings on adjacent land, many of which will be for families. There are also safety concerns about having the proposed tanker stand and fuel pumping area, which form part of the development, in such close proximity to the adjacent footpath, including fire safety risks.

1.25 Any highway or health related concerns expressed in response to the consultation on the amended drawings are not considered to be justified grounds to refuse permission for the reasons already given in this report.

1.26 The concerns about noise and the views of the Council’s Environmental Protection Team on the latest layout are noted. The layout is still indicative and so it is not certain if all the elements which are shown will proceed. However, in discussion with our
Environmental Protection Team, an amendment to planning condition 10 that was suggested last time this application was reported to Committee on the topic of noise is suggested as follows to address their comments about the jet wash and tanker stand. It is also considered this should make reference to a car vacuum in case one of these also forms part of the development. This amended condition reads:

10. a. Prior to the occupation of the premises, a detailed scheme for the location, design and construction of noise barrier(s) shall be submitted to and approved by the Local Planning Authority. Details shall include, but not be limited to, the height, extent and acoustic properties of the barrier, and the proposed level of mitigation it shall provide. The approved scheme shall be implemented prior to the occupation of the premises and retained thereafter in perpetuity. The barrier shall be maintained in a satisfactory state of repair in perpetuity to ensure efficient operation.

b. Notwithstanding the situation in relation to Condition 10a, any future reserved matters application which includes either a tanker stand, a jet wash or car vacuum, to be used in pursuance of the planning permission, shall include a scheme containing additional measures, which shall be submitted to and approved in writing by the Local Planning Authority for the control of noise from any tanker stand or jet wash or car vacuum including hours of operation. The development shall be carried out in accordance with the approved scheme. There shall be no changes to the approved scheme without the written consent of the Local Planning Authority.

Reason: In the interest of residential amenity.

1.27 Finally, any safety concerns about the proximity of the tanker stand and fuelling area in close proximity to the public footpath are a matter for Health and Safety Legislation to address rather than the Planning Acts.

1.28 Subject to the inclusion of the amended condition 10 in any decision notice, these extra views are not considered to alter the previous recommendation for this application.

2 Recommendation

2.1 In the light of the above, the recommendation remains to approve the application. This should be subject to the same conditions as when the application was reported to Committee last time with condition 10 being updated to deal with additional potential sources of noise and conditions 12 and 17 being updated to reflect the new drawings (B6508 (SK) 10 revision E and 24375_08_020_02 Revision B) which have been submitted since it was previously considered. The last Committee report for this application, including the update and previously recommended conditions, is appended below.
Appendix 1: Committee Report 08.05.19 Plus Update to Committee on that date.

Extract from Update Report

Updates:

1. An additional representation has been received from an adjacent resident which advises that, out of 8 houses in the road facing the plot of land, 5 are rented. He therefore considers they are not likely to care what happens on the plot of land.

Officer response – The advice in the Committee report applies irrespective of the tenure of any residential properties in the vicinity.

2. A representation has been received on behalf of the applicants for the proposed housing site to the North (which is being considered at the same Committee as this one). In summary this, firstly, asks that any permission for the Petrol Filling Station site includes conditions which sufficiently protect the residential site from noise impacts from it including those at night. Secondly, they ask that the Condition that seeks to secure an acceptable external lighting scheme for the petrol filling station site expressly states that there is no light spill into the residential development in order that it is not a constraint onto that development.

Officer response – On the topic of noise, one of the recommendations in the noise report submitted with the application is that a noise barrier is erected between the site and the adjacent proposed housing development to the North. Specific reference is made in the text for this to the requirements for the night time period. Condition 10 of the suggested planning permission seeks to secure the final detail of the noise mitigation measures for the site and suggested informative comment 4 for the decision notice requires the noise mitigation scheme to have regard to the findings in the noise report. The final detail for the barrier can be agreed in this way. The suggested Condition then goes on to say the approved scheme shall be implemented prior to the occupation of the premises and retained thereafter in perpetuity. It is therefore considered that, if planning permission is granted on this basis, this point will be addressed.

On the topic of lighting, Condition 8 of the proposed Planning Permission seeks to secure an acceptable lighting scheme and one of the reasons given for this is to prevent detriment to residential amenity. Suggested informative comment 4 to be included in the decision notice gives more advice on this. When the lighting scheme is submitted in response to these, regard will have to be given to the impact on existing and proposed residential development in the vicinity. The Condition then goes on to secure the lighting scheme prior to the first use of the development and then the retention of it in perpetuity. On this basis, this point is considered to have been addressed.

Original Committee Report.

This application has been brought before the Planning Management Committee at the request of Councillor B.Jenney.

1 Summary of Recommendation

1.1 That outline planning permission is GRANTED.
2 The Proposal

2.1 The application seeks outline planning permission for a petrol filling station incorporating an A1 (shop) use, plus two buildings containing A3 (restaurants/cafés) and A5 (hot food takeaway) uses. The site area is 0.7 Ha and a total of 707m² of new floor space is proposed. All matters are reserved apart from access.

3 The Site and Surroundings

3.1 The application site is just within the settlement boundary for Rushden as defined in the Rushden Neighbourhood Plan. It is also very close to the boundary with Higham Ferrers.

3.2 The site is in close proximity to existing and proposed housing, an industrial estate and the site for the Rushden East Sustainable Urban Extension. It is at the junction of John Clark Way and the A6 Rushden and Higham Ferrers bypass.

4 Policy Considerations


4.2 North Northamptonshire Joint Core Strategy (JCS) (2016) - Policies 1, 3, 4, 8, 22 and 23.


4.4 Northamptonshire County Council – Local Highway Authority standing advice plus countywide parking standards (2016).

4.5 Draft East Northamptonshire Local Plan Part 2 2011 to 2031.

5 Site History

5.1 Most recent 05/01774/REM - Application for Reserved Matters for the erection of an office building (Use Class B1) with associated access and vehicle parking pursuant to condition 2 for the variation on outline planning permission (EN/97/00599/OUT) (EN/01/00107/VAR) – approved.

5.2 10/01314/LDP - Application for a lawful development certificate, seeking confirmation that planning permission would not be required for the implementation of the remainder of the office development, granted in EN/97/00599/OUT, EN/01/00107/VAR, EN/05/00610/VAR and EN/05/01774/REM – approved.

6 Consultations and Representations

6.1 Rushden Town Council - Objects to this application for the following reasons:

- This site has been designated for B1 use and should therefore remain as this.

- They consider this site to be a Gateway site and therefore, as per Rushden Neighbourhood Plan Policy EN6, any development of this site should enhance the visual approach to the town. They do not feel a petrol station would create any visual enhancement and therefore consider this application is contrary to the adopted Rushden Neighbourhood Plan.
They consider the proposed access to the site to be unsafe and the proposed central lane a potential safety risk.

No consideration has been given to properties in Tyne Way that are directly opposite the proposed site. Lights and noise particularly late at night will have a direct impact on these properties and the nature of the proposed development would indicate that opening hours will be extensive. If the site were to remain in the original B1 use this would not be the case.

6.2 Hingham Ferrers Town Council - Objects to the application for the following reasons:

This site has been designated for B1 use and the Town Council wish to see it developed as this. The residential properties in Tyne Way are directly opposite the site and a change of use to a petrol filling station and two drive-through units will have an adverse impact on these properties. Development of this nature, with longer opening hours, will see an increase in the levels of lighting, noise, air pollution and litter.

The site is considered to be a Gateway site and therefore, as per Rushden Neighbourhood Plan Policy EN6, any development of this site should enhance the visual approach to the town. We do not feel a petrol station would create any visual enhancement and therefore consider this application is contrary to the adopted Rushden Neighbourhood Plan.

The proposed access to the site is considered to be unsafe and the proposed central lane a potential safety risk.

The site is within close proximity to The Ferrers School, Denfield Park Primary School and the planned Friars East Free School, set to open in 2020 on land east of the A6, south of Chelveston Road and east of Newton Road. The drive-throughs are likely to be fast food outlets which will have a direct impact upon the health of the local community. With reference to the Public Health England briefing document ‘Obesity and the environment: regulating the growth of fast food outlets’ March 2014. Planning authorities can influence the built environment to improve health and reduce the extent to which it promotes obesity. The government’s public health strategy ‘Healthy lives, healthy people’, explicitly recognises that “health considerations are an important part of planning policy” and the Department of the Environment 2011 white paper made many explicit connections between planning and health. One of the ten recommendations of the Academy of Medical Royal Colleges’ 2013 report on obesity was that “Public Health England should, in its first 18 months of operation, undertake an audit of local authority licensing and catering arrangements with the intention of developing formal recommendations on reducing the proximity of fast food outlets to schools, colleges, leisure centres and other places where children gather”. It also recommended that local authority planning decisions should be subject to a health impact assessment.
6.3 Northamptonshire County Council - Local Highway Authority – Initial views –

- The provided Transport Assessment does not take into account the committed site known as Rushden East. An application on the adjacent piece of land known as Land off The Ferrers School carried out this exercise and identified a nil detriment scheme at the A6 bypass / John Clark Way roundabout. I would advise that this application also relies on such mitigation and therefore suggest a nil detriment scheme is identified.

- The applicant is required to provide 2 bus stops (either side of carriageway) on John Clark Way given that existing provisions are well in excess of the maximum distance of 400 metres. A public transport contribution is also required. Please request that the applicant liaises with Northamptonshire Highways Bus and Rail Team.

- The parking spaces that are located immediately into the site on the left require revision. The wide access to these spaces and layout would cause confusion and potential conflicting manoeuvres resulting in a tailback on John Clark Way.

Further views following receipt of more information: – “Having now had a chance to review the Transport Addendum, I would offer the following comments:

- The Rushden East site is an allocated site and must be taken into consideration – The reference to the Land off Ferrers School TA the situation has moved on somewhat and a nil detriment scheme has now been identified and will be conditioned accordingly.

- In regards to Public Transport requirements our position is that bus stops are required in this area for staff and residents and whichever site comes forward first (this site or the adjacent housing proposal) will be required to make provision for a bus stop either side of John Clark Way”.

Final views following receipt of traffic information taking account of Rushden East – “I can now confirm removal of our concerns with regards to the existing A6 bypass roundabout following our review”.

6.4 East Northamptonshire Council - Environmental Protection Team – Summary of initial views – Requested more information about noise and air quality. Summary of overall views on the application following the receipt of more information –

- Air quality - The air quality assessment refers to the East Midlands Air Quality Network Air Quality and Emissions Mitigation guidance that is now the requirement for relevant planning applications received by East Northamptonshire Council. The assessment determines that a full air quality assessment will not be required for this application. Mitigation measures that satisfy the ‘medium’ classification of the development will be required. This includes: the provision of up to two Electric Vehicle charging points; and secure cycle storage. Based on the information submitted, I have no objections to this proposal on air quality grounds.
- **Noise – (summary of views)** - I have been in discussion with the acoustic engineer and the revised noise assessment was developed further to my earlier comments. The revised noise assessment is robust and in all likelihood conservative. It has been determined that adverse impact from noise may result from activity at the petrol filling station (PFS), with respect to the proposed residential development to the north. The acoustic consultant has suggested mitigation in section 7.0 of the revised report. Notwithstanding the suggested mitigation measures, it must be remembered proposed dwellings on the northern boundary will require noise mitigation measures designed into them with respect to traffic noise from the A6, which will further reduce impact from the PFS. Mitigation shall consist of a 3m high acoustic fence along the northern boundary, adjacent to the public footpath. Details of the construction of the acoustic fence have been suggested in section 7.2 of the revised report but can be agreed either as a separate planning condition or part of agreeing any boundary details. Also, noise from any fixed plant will also need to be controlled by Planning Condition to ensure there is no loss of amenity or nuisance to existing and proposed residential development. Therefore, I now have no objection to the proposed development on the grounds of noise subject to conditions and informative comments being placed on the planning permission to mitigate against any potential adverse impact.

- **Lighting – (summary)** - Notes there are concerns that light from the proposed development which, if not properly controlled, may cause adverse impact to existing and proposed residential development. Points out that the installation of any illuminated advertising such as totem poles will require a separate planning application and any lighting for these can be considered as part of this. Notwithstanding this, to ensure no adverse impact from other sources of light within the development, requests a Planning Condition and informative comment to secure an acceptable lighting scheme.

- **Ground contamination** - I have reviewed the submitted ground investigation report which has not identified any potential risk from contamination to the proposed development.

- **Protection of amenity – (summary)** - Requests Planning Conditions during the construction phase to control hours of working, to ensure no burning takes place on site and dust mitigation measures.

6.5 **Natural England** – No objection.

6.6 **Northamptonshire County Council as Lead Local Flood Authority** – summary - No objections subject to conditions to secure an acceptable surface water drainage scheme for the site.
6.7 **Environment Agency** – No objections.

6.8 **Ramblers Association** – “We would ask that the Public Footpath UK2 Rushden is kept open during construction and some form of mesh fencing is erected along the north-east boundary of the site to prevent litter from the site spoiling the use of the public footpath. The ‘distribution of litter’ from the completed site should also be considered”.

6.9 **Police Crime Prevention Design Advisor** – “Northamptonshire Police has no formal objection to this planning application in principle. It will be appreciated that we are unable to provide specific detailed security advice due to the proposed application being ‘Outline’ with indicative information only being currently submitted. Any further application for reserved matters must follow ‘Secured by Design’ principles as required in local policy. However, it is felt that certain critical measures should be highlighted and that early liaison with the Police Crime Prevention Design Adviser should be encouraged to help establish the right level of security in order to help match the crime prevention measures to the actual, as well as the perceived crime risk for the area. A crime prevention statement must be submitted with any subsequent application it should state that crime prevention measures will be a material consideration within the design process and that the following issues have been considered and implemented where necessary:

- **Layout:** Access and movement should be convenient without compromising security.

- **Surveillance:** All vulnerable areas need to be overlooked by casual and formal surveillance.

- **Lighting:** Needs to be adequate without causing inappropriate light pollution. The illumination needs to be uniformly distributed and designed not to conflict with formal surveillance equipment.

- **CCTV/ANPR:** Must be installed to protect premises both internally and externally. All vulnerable areas must be covered and images, at all periods of the day, must be able to identify offenders.

- **All building physical security using approved certified products including access control must be agreed.**

- **Boundary treatments need to secure unauthorized areas and restrict movement where required. Appropriate landscaping can also enhance other physical measures.**

- **Vehicular and cycle parking areas must be located to encourage casual surveillance at all times.**

- **If ATM facilities are to be proposed confidential discussions must take place and be agreed with the operator which follow the guidance of the national ATM Security Working Group (ATMSWG) and cover national trends in attack methods.”**
- Dependent on the approved opening hours a security intruder/personnel attack facility must be installed.

6.10 Northamptonshire County Council - Ecological Advisor - Initial views - “Overall, I think the loss of the poor semi-improved grassland could be compensated with a good landscaping plan. My main concern with this application however is the four trees along the northern site boundary. They appear from the location and site plans to be outside the red line boundary. However, it is unclear what if any works are to be done to them. All were assessed during the ecological survey as having varying degrees of bat roost potential. Section 8.1 of the tree survey report states that tree T02 – an ash – is to be felled. T02 was identified as having low bat roost potential and therefore does not require any further surveys. It would however need to be soft felled under a method statement which I would want to see secured by condition. The tree survey recommends management works to T01 – an oak with high bat roost potential – and T04 – an elm with moderate bat roost potential. No works should be carried out to these trees unless activity surveys have been conducted to determine whether they are currently being used by bats. Activity surveys can only be done between May and September when bats are active, and all surveys must be done pre-determination so any mitigation required can be secured by condition. Therefore if it is intended that works are done to T01 and T04 my assessment would be that the council currently does not have sufficient information to determine this application. However if these trees are not to be touched then I would request only a condition for a method statement for soft felling T02”.

Summary of further views following receipt of information that trees T01 and T04 are not to be felled – No further views then at this stage.

6.11 East Northamptonshire Council - Senior Tree and Landscape Officer - Initial views – “I would like some clarification for the trees T01-04 that are shown on the tree survey but not the site plan, they appear to be outside of the red line but I just want to clarify whether they are to be removed or just haven’t been included on the proposed site plan. Also, I’d like to ensure a detailed landscape plan is submitted as part of the reserved matters”. Further views following receipt of information that trees T01 to T04 are not to be felled – Clarifies ‘Soft felling’ as referred to by the Council’s Ecological Advisor means that a tree will be climbed and dismantled as opposed to straight felled. However, notes the applicant has stated that they do not intend to undertake works to the row of existing mature trees at this time and therefore it is no longer relevant. Would like to see some more habitat improvement within the planted areas.

6.12 Highways England – No objections.

6.13 Fire and Rescue Service - Fire Service access would appear to be satisfactory and further comments may be made under the full building regulations consultation.

6.14 Northamptonshire County Council - Archaeological Advisor - The application area contains no known archaeological activity. An archaeological evaluation was undertaken to the north by Northamptonshire Archaeology in 2007. The evaluation identified an area of late Iron Age and Roman settlement to the south and east of Ferrers College. The trial trenching in the area to the north of the redline area was negative and as such it is unlikely that archaeological activity extends into the redline area. The potential for archaeological activity within the redline area is likely to be low and as such no archaeological works will be required in association with this development.
6.15 Site notice put up on 29th January 2019.

6.16 Neighbour notification letters sent to: 46 Neighbouring properties in Tyne Way, Dee Close and Spire Road plus The Ferrers School and Specialist Arts College.

6.17 In response, 18 objections have been received from nearby residents which, in summary, raise concerns on the following grounds:

- There will be excessive traffic and highway safety implications. Related to this, there is one suggestion that the site would be better accessed direct from the adjacent A6 roundabout. Another party adds there is a proposal to access the Ferrers School off the roundabout that is adjacent to this proposal.

- Noise, air quality implications, light pollution (including impact on the dark skies) and ground pollution (including littering).

- Impact on wildlife.

- Impact on an adjacent right of way.

- There are concerns that the proposed fast food outlet will add to obesity problems in the area. The proximity to Ferrers School, Denfield Park Primary School and the planned Friars East Free School, set to open in 2020 on land east of the A6, south of Chevelestone Road and east of Newton Road is of concern on this topic.

- There are also concerns about implications for property prices and the impact on the Town centre.

- There is no need for the development as there are other facilities of this nature in Rushden.

- There will be an increase in crime and anti social behaviour in the area.

7 Evaluation

7.1 National guidance contained within the NPPF attaches great importance to the design of the built environment.

7.2 Policy 1 of the adopted North Northamptonshire Joint Core Strategy (JCS) seeks to secure sustainable development and Policies 3 and 4 seek to protect landscape character and biodiversity. Policy 8 of the same document requires new development to comply with a number of principles, including being of a high standard of design, not impacting on neighbouring amenity and being safe from a highways point of view. In addition, Policy 22 seeks to secure economic prosperity and Policy 23 seeks to secure new jobs with the priority being given to sites within and adjoining the growth towns in locations that are capable of being accessed by a choice of means of transport.

7.3 Policy EN1 of the Rushden Neighbourhood Plan seeks to secure acceptable design and Policy EN2 of the same document seeks to secure well integrated landscaping. In addition, the site is identified as a gateway site where, under the terms of Policy EN6 of the Neighbourhood Plan, development proposals should deliver enhancements and improvements to the visual approaches to the town. Finally, Policy EJ2 of the
Neighbourhood Plan supports new business developments in appropriate locations where they would not adversely affect local amenity.

7.4 In addition, the site is located within a site identified as a protected employment area in the Council’s emerging Local Plan for the time period 2011 to 2031.

7.5 The application seeks outline consent for the construction of a petrol filling station incorporating an A1 (shop) use plus two buildings containing A3 (restaurants/café) and A5 (hot food takeaway) uses on one of the main routes into Rushden. The site is located just within the boundary of Rushden as defined in the town’s Neighbourhood Plan. It is adjacent to a roundabout on the A6. The site of the proposed Rushden East Sustainable Urban Extension is located on the opposite side of the A6.

7.6 It is noted that Rushden and Higham Ferrers Town Councils advise that they consider the site should be developed for an office use in line with a previous permission that was granted for this purpose. In response to this, the application has to be determined on the basis of the development that has been applied for.

7.7 As the site is adjacent to the A6 and on one of the main routes into the town, in accessibility terms, it is considered to be a good location for the types of use that are being applied for. It is noted it is identified as part of a protected employment area in the Council’s emerging Local Plan. The same document identifies petrol filling stations as suitable non-town centre employment use. The other two uses being applied for will also provide employment opportunities. In view of these points, in principle, the site is suitable for the types of use being applied for. However, this is subject to other detailed matters being addressed and it being accepted that the development can be successfully integrated into the surroundings without having a significant impact on neighbouring properties.

7.8 The first consideration is whether the proposed use will conflict with adjacent Town centres. In response to this, the proposed amount of floorspace for A1 retail use (a proportion of the floorspace in the petrol filling station) is considered to be too low to conflict with the shops in Rushden or Higham Ferrers town centres. The restaurant and takeaway uses are also to be of a type that is more likely to compete with other drive through facilities in the area rather than the town centres. Furthermore, the development is primarily intended to serve the needs of users on the A6. Accordingly, there is no need to perform a sequential test to establish whether a site can be found for the facility in or closer to the adjacent town centres. In view of these points, in principle, the site is suitable for the types of use being applied for.

7.9 In terms of other matters, as it is an Outline Application, there is not much detail to consider at this stage. It is considered important that the site links well with the surroundings. In view of this, during the course of the processing of the application, the indicative site layout plan has been amended to incorporate the pedestrian routes within the site which will link up with a retained public footpath to the north to assist with overall connectivity to Rushden East. Related to this, an application seeking approval for residential development to the north of the site (18/01648/OUT) has proposed to upgrade this Right of Way to a pedestrian/cycle route, which will connect to the existing Greenway, should permission be granted. Such an upgrade is considered justified in connection with that particular application but not the one subject to this report. This is because application 18/01648/OUT is for a much larger development. The upgrade will therefore only proceed if that development takes place. However, whether or not this upgrade proceeds, in view of the importance of linking the site to the Right of Way, wording can be included in one of the recommended Planning Conditions in this case to
remind the applicant that the precise detail of this needs to be progressed at the detailed design (Reserved Matters) stage.

7.10 In terms of other detail, bearing in mind this is identified as a gateway site, it is important that the design has the desired effect of enhancing the approach to the town. At present, the view at this point is dominated by a generally blank grey wall of a large business unit which forms the rear boundary of the site and the site itself contains a significant amount of fly tipping. This development should improve this situation providing that a considerable amount of effort is put into the final design. This would be a matter to be addressed at the Reserved Matters Stage.

7.11 In terms of other matters, there are existing and proposed residential properties that are considered close enough to be affected by this proposal in amenity terms. This includes the undetermined application immediately adjacent to the North of the site (18/01648/OUT) which is for up to 300 dwellings. It is noted that there are various objections to the proposal in terms of impact on air quality, noise implications plus ground and light pollution.

7.12 In relation to air quality, during the course of the processing of the application, the Council’s Environmental Protection Team have requested more information. On receipt of this, they advise they have no objections to the proposal on these grounds. In making this comment, they note that mitigation measures on this topic in the form of electric vehicle charging points and secure cycle storage are recommended. These can be secured via Planning Condition and, on this basis, the proposal is considered acceptable on air quality grounds.

7.13 The Council’s Environmental Protection Team also requested more information about the noise implications of the development. This has been received and, in general terms, considers there is a potential concern in terms of activities at the petrol filling station etc. on the proposed housing to the North particularly at night. They recommend a 3m high noise attenuation barrier is installed between the site and the adjacent housing proposal to address this. Whilst 3m is quite tall for a barrier of this nature, it will be seen with a much larger adjacent industrial building in the vicinity when viewed from outside the site. Accordingly, it is not considered it will be too visually intrusive into the surroundings. This solution is accepted by the Council’s Environmental Protection Team and can be secured via Planning Condition with a related informative comment. The Council’s Environmental Protection team recommend the detail of this is secured and installed prior to the commencement of development. However, the noise report advises it is to mitigate against noise from activities at the petrol filling station. Accordingly, it is considered appropriate to secure this prior to the site being operational. The wording in the recommended Condition should also be amended to secure the fence in perpetuity.

7.14 As an additional safeguard, and bearing in mind other housing in the vicinity, the Council’s Environmental Protection Team also point out noise from any fixed plant on site will need to be controlled by another Planning Condition and related informative specifically relating to this to ensure there is no loss of amenity or nuisance to existing and proposed residential development in the vicinity. In this case, they recommend this is secured prior to the occupation of the premises. This is accepted but the recommended Condition should also be amended to secure the measures in perpetuity.

7.15 On the basis of these two conditions and informative comments, it is considered that any noise impact from the proposal on the surroundings will be insufficient to justify refusing planning permission.
7.16 It is noted that there is also reference to possible ground pollution issues including littering. In response to this, a geo-environmental assessment has been submitted for the site which looks at the ground conditions and possible contamination. This has been reviewed by the Council’s Environmental Protection Team and they note it has not identified any potential risk from contamination to the proposed development. Accordingly, they are not asking for any planning conditions to require any further investigation or remediation on this topic. In addition, any fuel tanks etc. relating to the petrol station will have to be installed in accordance with other Legislation aimed at preventing pollution from them. In terms of existing litter, at the time of writing this report, there is a significant amount of fly tipping on site. This will be the landowner’s responsibility to remove as part of the development of the site.

7.17 The site is bordered on one side by a Public Right of Way (Public Footpath UK2). The Ramblers Association ask that this is kept open during construction and some form of mesh fencing is erected along the north-east boundary of the site to prevent litter from the site spoiling the use of the public footpath. A planning Condition can secure the Right of Way being kept open during construction works and the proposed noise barrier referred to in the above paragraph will address this point as this will take the form of a fence on this boundary. This will need to be designed in such a way that the Right of Way does not become a dark, unattractive place. An informative comment associated with the Condition can explain this. There is considered to be sufficient space on the site to allow the fence to be set in from the path to achieve the desired effect without the fence appearing too oppressive. The operators of the proposed facility will also be responsible for ensuring any litter that is generated during the operation of the site does not become too significant.

7.18 It is also noted that there are concerns about light pollution from the proposal. The Council’s Environmental Protection Team points out that the installation of any illuminated advertising such as totem poles will require a separate application. The acceptability of any lighting for these can be considered as part of this. Notwithstanding this, to ensure no adverse impact from other sources of light within the development, they request a Planning Condition and informative comment to secure an acceptable lighting scheme. On this basis, with some slight amendment to the wording of the condition to make it reasonable, the proposal is considered acceptable on lighting grounds.

7.19 Finally, the Council’s Environmental Protection Team requests Planning Conditions during the construction phase to control hours of working, to ensure no burning takes place on site and dust mitigation measures. These are considered reasonable, subject to a slight change in the wording to make them enforceable.

7.20 In terms of possible highway implications, the application involves an access onto John Clark Way with a new turning lane being constructed at this point. The proposal has generated a number of objections on highway safety grounds. In response to these, the Highway Authority, initially, had three matters to raise about the application. Firstly, they required the impact of the development on the A6 bypass / John Clark Way roundabout to be assessed taking account of the proposed Rushden East Sustainable Urban Extension. Secondly, they asked for some bus stop provision to serve the development. Finally, they pointed out that the parking provision that is shown on the submitted indicative site layout is too close to the site entrance and would not be acceptable on highway safety grounds.
7.21 In response to the first of these points, some more information has been provided of anticipated traffic flows taking account of Rushden East. This shows the adjacent roundabout where John Clark Way joins the A6 will operate sufficiently, without any significant queueing or delays when the development subject to this application is in place. Accordingly, no improvement works are required to the roundabout. In response, the Highway Authority has confirmed removal of their concerns with regards to the existing A6 bypass. This point has therefore been addressed and the development is considered acceptable on highway safety grounds on this basis.

7.22 Secondly, whilst it is noted that the County Highway Authority request some bus stops are provided in connection with this development, it is not considered necessary for a scheme delivering a petrol filling station and drive through units to make any provision for public transport. This is because it is considered bus patronage for any staff or customers will be negligible. A further point is that following previous reserved matters associated with this site for office development, a lawful development certificate (EN/10/01314/LDP) was approved in October 2010. This confirmed that commencement of the office development had occurred and, therein, the proposal had been implemented. This did not require any bus stops to be provided. Therefore, this is a strong fall-back position in relation to the principle of development at this location without the need for bus stops to serve this development.

7.23 In terms of the amount of parking provision to serve the development, the indicative layout shows 61 parking spaces including 6 for disabled people. This is only indicative at this stage but it needs to be established in principle whether the site can accommodate sufficient parking provision. The Countywide parking standards specify different amounts of parking provision is required for each of the proposed uses and the total also depends on the floor space covered by each of the uses. The petrol filling station and associated shop is shown as covering 371m² (although the actual floor space for the retail use will be much lower than this) and the two A3/A5 uses are shown as covering a total of 333m².

7.24 The standards specify petrol filling stations should have 1 parking space per 25m² of retail space. Even, assuming the whole building is taken up for this use (which will not be the case), this means 15 spaces are required to serve this.

7.25 In addition, A3 uses should have 1 space per 14m² and A5 uses should have 1 space per 20m². As it is not known how much of the two buildings will be taken up by each of these uses, for the purposes of calculating parking provision, it is best to base any calculations on all the buildings being in A3 use as this has the higher of the two requirements. Based on this, 24 spaces are needed to serve both buildings.

7.26 Based on these calculations, a total of 39 car parking spaces are required for the whole site. The indicative layout shows 61 spaces which is much more parking provision than the standards require. Accordingly, in principle, the proposal is acceptable on parking grounds and the final detail can be concluded at the reserved matters stage. The amount of disabled parking provision should also be 10% of the total and this is also easily achievable.

7.27 In addition, bearing in mind the indicative layout shows more spaces than the parking standards require, the final safety concerns from the Highway Authority about the parking arrangements in the vicinity of the access being unacceptable can be addressed via a revised layout at the Reserved Matters Stage.

7.28 Finally, on the topic of highways, it is noted that it is suggested that the site would be better served via an access direct from the A6 roundabout. In response to this, the
application involves an access onto John Clark Way and therefore has to be considered on this basis.

7.29 Overall, in view of the above, it is not considered justified to refuse outline planning permission on either highway safety or parking grounds. The proposed access to the site is therefore accepted and the internal arrangements for the site and a path link to the adjacent right of way can be agreed at the Reserved Matters stage. In addition, the off site highway works involving a turning lane will need to be secured via an agreement under the Highways Act with the Highway Authority separately to the determination of this application. An informative comment on any decision notice can refer to this and a Planning Condition can ensure they are secured prior to development commencing.

7.30 In relation to drainage, it is noted that the Environment Agency does not object to the application. Furthermore, Northamptonshire County Council as Lead Local Flood Authority also do not object, subject to the imposition of various conditions and an informative comment to secure an acceptable drainage scheme for the site. On this basis, the proposal is considered acceptable on drainage grounds.

7.31 In relation to biodiversity, there are 4 trees on the edge of the site. Discussions with the applicant during the course of the processing of the application have led to the conclusion that all of these will be retained. The Council’s Senior Tree and Landscape Officer has asked that there is some habitat improvement within the planted areas. This can be secured via a planning condition which secures an overall planting scheme for the site including measures to help protect the existing trees. This approach is in line with the advice received from the Council’s Ecological Advisor and, in view of this, the proposal is considered acceptable on ecological grounds.

7.32 Finally, in response to concerns about an increase in crime and antisocial behaviour, the advice of the Police Crime Prevention Design Advisor has been sought. He has made a number of recommendations about how the development can be made acceptable from a crime prevention point of view. These are all noted and can be taken into account at the Reserved Matters stage.

7.33 Overall, the proposal is considered acceptable for the purposes of granting Outline Planning Permission.

8 Other matters

8.1 The presence of fast food outlets in the application has generated concerns from some parties particularly bearing in mind there are some schools in proximity to the site. The closest of these is The Ferrers Specialist Arts College. The site could be accessed from this school via the Public Right of Way which runs adjacent to the site. The health risks associated with fast food are recognised. However, the Higham Ferrers town centre is equally as accessible from this school. In the context of all the other outlets that are available in this location, it is considered that a refusal of the application would not be justified on these grounds. The other two schools mentioned in objections (Denfield Park Primary School and the planned Friars East Free School) are both just less than 1000m from the site. This distance is considered sufficient to ensure any attraction is not significant compared to others that may be available in Rushden or Higham Ferrers town centres.

8.2 Any implications from the development for property prices, as have been raised by various objectors, are not a valid consideration in determining planning applications.
8.3 Finally, it is noted that some parties advise they consider there is no need for the development and they point to other facilities of this nature in the vicinity. It is a matter for the applicant to satisfy themselves regarding the need for the development.

9 Recommendation

9.1 That outline planning permission is granted subject to the following conditions:

10 Conditions/Reasons –

1. Approval of the details of the layout, scale, appearance and landscaping 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 three years beginning with the date of this permission.
   **Reason:** This is a statutory requirement under Section 51 of the Planning and Compulsory Purchase Act 2004.

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.
   **Reason:** This is a statutory requirement under section 51 of the Planning and Compulsory Purchase Act 2004.

4. Any Reserved Matters relating to appearance shall include full details of the external roofing and facing materials to be used for the construction of the buildings. The development shall thereafter be implemented in accordance with the approved details.
   **Reason:** To achieve a satisfactory appearance for the development.

5. Any Reserved Matters relating to hard and soft landscaping shall include:
   - A scheme of boundary treatments for the site incorporating provision of a fence to prevent litter from the site migrating onto the adjacent Public Right of Way whilst at the same time allowing access through to it.
   - A tree works survey showing how the trees on the boundary of the site are to be protected during construction works. The survey and recommendations must be undertaken and compiled by a suitably qualified arborist and, should any tree removal be recommended, suitable justification must be made and appropriate mitigation must be proposed via the landscape scheme.
   - A scheme of landscaping and habitat enhancement.

The boundary treatments shall be implemented prior to the occupation of the buildings and maintained in perpetuity.
The scheme of tree protection shall be in place throughout the site clearance and construction works.

The landscape and habitat enhancement scheme shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner, and shall be maintained for a period of five years.
Such maintenance shall include the replacement in the current or nearest planting season, whichever is sooner, of shrubs that may die or are removed or become seriously damaged or diseased with others of similar size and species, unless the local planning authority gives written consent to any variation. 

**Reason:** In the interests of amenity.

6. Prior to the first use of the development hereby permitted, details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles and a lighting contour map). The means of illumination of the subject of this consent shall not be of a flashing or intermittent nature. The approved scheme shall be installed prior to the first use of the development, maintained and operated in perpetuity in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To prevent detriment to residential amenity due to light pollution and/or nuisance and in order to ensure adequate safety and security on site.

7. The adjacent Public Right of Way shall remain unobstructed throughout the proposed construction works.

**Reason:** In order to protect the Public Right of Way.

8. a. No demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0900 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.

b. There shall be no burning of any material during construction, demolition or site preparation works.

c. During site preparation and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site.

**Reason:** To ensure the protection of the local amenity throughout construction works.

9. Prior to the first use of the development, a scheme of electric vehicle charging points and secure cycle storage shall be agreed for the site. These items shall be implemented prior to the occupation of the buildings and retained and maintained in perpetuity.

**Reason:** In the interests of sustainability and air quality.

10. Prior to the occupation of the premises, a detailed scheme for the location, design and construction of noise barrier(s) shall be submitted to and approved by the Local Planning Authority. Details shall include, but not be limited to, the height, extent and acoustic properties of the barrier, and the proposed level of mitigation it shall provide. The approved scheme shall be implemented prior to the occupation of the premises and retained thereafter in perpetuity. The barrier shall be maintained in a satisfactory state of repair in perpetuity to ensure efficient operation.

**Reason:** In the interest of residential amenity.
11. Prior to the operation of the premises, a scheme for the control of noise and vibration of any plant, individually or collectively, (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The equipment shall be maintained in a condition so that it does not exceed the following assessment levels:

- Assessment level of 0dB above the derived background sound level of 54dB(A) LA90, 60min during the daytime at the nearest receptors.
- Assessment level of 0dB above the derived background sound level of 34dB(A) LA90, 15min during the night-time at the nearest receptors.

After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

**Reason:** To protect the residential amenity of the locality.

12. No development shall commence until the proposed turning lane on John Clark Way shown on drawing B6508 (SK) 10 revision D has been provided as part of the access arrangements for the site.

**Reason:** In the interests of highway safety.

13. No above ground work shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment & Surface Water Drainage Strategy, ref. 24375/11-18/6281 prepared by M-EC dated November 2018 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 before the development is completed. The scheme shall include:

i) 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 and flow control chambers, outfalls/inlets and attenuation structures (if required).

ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

iii) A discharge of surface water from the site at greenfield rate (see informative).

**Reason:** To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

14. No above ground work 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.

Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted.
A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site. **Reason:** To ensure the future maintenance of drainage systems associated with the development.

15. All subsequent reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment & Surface Water Drainage Strategy, ref. 24375/11-18/6281 prepared by M-EC dated November 2018 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.

16. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment & Surface Water Drainage Strategy, ref. 24375/11-18/6281 prepared by M-EC dated November 2018. These shall include:

   a) Any departure from the agreed design is keeping with the approved principles;
   b) Any As-Built Drawings and accompanying photos;
   c) Results of any Performance Testing undertaken as a part of the application process (if required / necessary);
   d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

*Reason:* To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

17. Except where otherwise stipulated by Condition, the works hereby permitted shall be carried out strictly in accordance with the detail shown on the following drawings:

   B6508 (SK) 100 Revision A
   B6508 (SK) 10 Revision D
   24375_08_010_02
   24375_08_020_02

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

1. 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 paragraph 38.

2. Drainage Recommendations from the Lead Local Flood Authority

Some guidance recommends minimum discharge rates of 5 l/s, to minimise use of small orifice openings that could be at risk of blockages. However, appropriate consideration of filtration features to remove suspended matter and suitable maintenance regimes should minimise this risk and therefore the minimum limit of 5 l/s does not apply in Northamptonshire.

3. Highway Advice

Some off site highway works are required as part of the proposed access works. These will need to be secured via an agreement under the Highways Act with the Highway Authority as a separate matter to the determination of this application.

4. Lighting Recommendations

The external lighting should be designed and installed by competent persons. The system should be designed according to best practice in respect of glare, light spill and efficiency. Advice can be obtained from the:

Institution of Lighting Professionals
Regent House
4 Regent Place
Rugby
Warwickshire
CV21 2PN
Telephone: 01788 576492
Email: info@theilp.org.uk
Web: https://www.theilp.org.uk/home/

5. Noise Mitigation Recommendations/Fencing Adjacent to the Public Right of Way.

The applicant/developer shall have due regard to the mitigation measures suggested in sections 7.0 to 7.4 of the MEC Acoustic Air noise assessment dated March 2019, Ref: 24375/02-19/6607 Rev A. In addition, in finalising the detail for the noise barrier, it needs to be ensured that it is designed and positioned so that the adjacent Public Right of Way does not become a dark, unattractive place and access is allowed through to it.

The applicant/developer shall have due regard to the noise breakout and external plant assessment recommendations in sections 6.15 to 6.17 of the MEC Acoustic Air noise assessment dated March 2019, Ref: 24375/02-19/6607 Rev A.
### Proposal:

Two storey and single storey extensions to side and rear of existing dwelling.

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This application has been brought before the Planning Management Committee at the request of Duddington Parish Council because the Parish Council has made comments contrary to the Officer recommendation.

1 **Summary of Recommendation**

1.1 That planning permission be REFUSED.

2 **The Proposal**

2.1 The application proposes the erection of two storey and single storey extensions to the side of the existing dwelling, known as Rose Cottage. These extensions would have pitched roofs and would be constructed using reclaimed limestone with a natural Collyweston slate roof and this has been confirmed in writing by the applicant's agent. There would also be roof lights to both roof slopes. The single storey element would be to the front of the property with the 2 storey element to the rear. There would also be a further single storey element to the side of these extensions. The two storey part of the extension would have a height of 7.985 metres to the ridge and the extensions would be 7.145 metres in width at the widest point and 5.985 metres in width at their narrowest point. They would accommodate a dining room and another unspecified room at ground floor level and an additional bedroom at first floor level.

3 **The Site and Surroundings**

3.1 The application site comprises a detached two-storey dwelling flush with the street scene in the heart of the Duddington Conservation Area, which also has an Article 4 Direction. The site is in Flood Zone 1 (low risk) and has a driveway and outbuildings to the side. Whilst the property is not listed itself, it is within the Conservation Area, and in close proximity to three Grade II listed buildings: Peartree Cottage, Dial House and an outbuilding at Dial House. To the south of the site is the dwelling at Gardener's Cottage, with the Royal Oak Public House beyond this. To the north of the site is the dwelling at Meadow Garth and directly opposite the site to the west is Peartree Cottage. To the east of the site is the A43 trunk road.
4 Policy Considerations

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

4.2 North Northamptonshire Joint Core Strategy (JCS) 2016
Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 8 - North Northamptonshire Place Shaping Principles

4.3 Rural North, Oundle and Thrapston Plan
No relevant policies

5 Relevant Planning History

5.1 - 00/00296/FUL - Two dormer windows and front porch - (PERMITTED) (28.09.2000)
- 10/01281/FUL - Proposed re roofing – (PERMITTED) (10.01.2011)
- 11/00142/FUL - Conversion of existing coach house (REFUSED) (27.05.2011)
- 11/01709/FUL - Conversion of existing coach house to form ancillary accommodation for the main house (PERMITTED) (23.12.2011)
- 16/01953/FUL - Demolish single storey side extension and replace with larger single storey extension (PERMITTED) (30.11.2016)
- 17/01663/FUL - Demolition of the single storey side extension and to replace it with a larger single storey side extension. The existing chimneys will be dressed in ashlar stone, the roofs will remain collyweston slate and for the 4 rooflights for which we had approval, 3 at the rear and 1 at the front we would instead like to have 2 at the rear and 2 at the front which would provide better balanced lighting internally and externally provide a roofscape more in keeping with the village – (PERMITTED) (22.11.2017)

6 Consultations and Representations

6.1 Neighbours
No comments received

6.2 Duddington-with-Fineshade Parish Council

Comments received (08.04.2019): Duddington-with-Fineshade Parish Council considered the above application at its meeting on Tuesday 2nd April 2019 and its comments are as follows:
No objections - The Parish Council strongly supports this application as it is sympathetic to the nature of the village and uses natural stone and Collyweston slate. The design of the extension sits well with the existing building and does not distract from the distinctive twin gables of that building. It has no detrimental effect on the Conservation Area. While not a material planning reason, the family are valuable members of the community, contributing to many of the village activities and should be encouraged to stay by allowing development of the property to meet their needs. In the event of the officer recommending refusal of the application, the Parish Council asks that it be called before the Committee.
6.3 Northamptonshire County Council - Local Highway Authority

No comments received

6.4 Northamptonshire County Council - Ecology

No comments received

6.5 Northamptonshire County Council - Waste

No comments received

6.6 East Northamptonshire Council - Senior Conservation Officer

The application property comprises a two-and-a-half storey dwelling which is constructed of limestone under a Collyweston slate roof. The building is of three bays and has a double pile arrangement. It was built circa 1830 for a James Bradshaw. While the building is not included on the statutory list I consider it to be a key building within the Duddington Conservation Area. I note it is referred to in the Royal Commission's Inventory of the Historic Monuments in the County of Northampton (Vol 6) (1984, p48), and also in Pevsner's Buildings of England guide (Bailey, Pevsner, Cherry 2013, p241).

Having considered the development proposed I can confirm that I have concerns. In my view the proposals would result in development of a size that would overwhelm the scale and form of this late Georgian property. The design of the extensions proposed would result in a large expanse of roof when viewed from the street which would appear somewhat incongruous in the context of the existing building. I consider that this proposal would cause harm to the special character of the host building, and in turn that of the Duddington Conservation Area. I classify the level of harm to fall within the less than substantial category, thereby engaging paragraph 196 of the NPPF.

I am not aware that any public benefits would be arising as a result of the proposals, and as such I wish to object to this application.

7 Evaluation

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

- Visual impact and heritage;
- Impact upon residential amenity; and
- Highway safety and parking provision.

Visual Impact and Heritage

7.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced.

7.3 The Council's Senior Conservation Officer has concerns that the proposed development would overwhelm the scale and form of the dwelling, causing harm to its special character. Furthermore, it is considered that the proposed design would detract from the simple
Georgian style of the property, resulting in a fussy and disorganised appearance, with a vast expanse of roof when viewed from the street scene.

7.4 Whilst it is acknowledged that the neighbouring property at Meadow Garth has a 2 storey extension, this is set back much further in the street scene and is not as prominent when viewed from the side. Furthermore Meadow Garth is a more modern property, which does not make such an important contribution to the Conservation Area.

7.5 The proposal would therefore appear incongruous in relation to the existing dwelling and would result in harm to the character and appearance of the Duddington Conservation Area. This level of harm is considered to be less than substantial which would engage paragraph 196 of the National Planning Policy Framework and there are also no public benefits that have been demonstrated that would outweigh this harm.

7.6 The Council’s Senior Conservation Officer has not raised concerns regarding impact on the setting of the nearby listed buildings. It is therefore concluded that notwithstanding the identified harm to the Conservation Area, the settings of the nearby listed buildings would not be significantly adversely affected.

7.7 Planning permission has previously been granted for a single storey side extension at Rose Cottage. This was far less prominent in the street scene, was largely screened by the existing boundary treatments and did not give the property the fussy appearance that the proposed two storey extension would. The proposed development is therefore considered to be unacceptable on design, visual amenity and heritage grounds and would be contrary to Policy 2 of the North Northamptonshire Joint Core Strategy 2016 and Paragraph 196 of the NPPF.

Impact on Residential Amenity

7.8 In relation to the impact on neighbour amenity, the proposed development would be entirely screened from the neighbouring property at Gardener’s Cottage by the existing dwelling and there would therefore be no impact in relation to loss of light or overlooking on this property.

7.9 In terms of the impact on Meadow Garth, the other adjacent property, other than roof lights, that would be more than 1.7 metres above floor level, there are no side windows proposed facing this property that would lead to overlooking. Furthermore, given the degree to which the first floor element would be set back from both the boundary and the street scene, the impact of the proposed development on Meadow Garth in relation to loss of light is also considered to be acceptable.

7.10 It is not stated in the application whether the proposed roof lights would be opening, however, unless restricted by condition, the applicant could make these roof lights open without the need for planning permission and given their height above floor level, the opening of these roof lights would have no significant adverse impact.

7.11 Peartree Cottage would face the proposed extensions. However in terms of residential amenity, the proposed extension would be set further back from this property than the front elevation of the existing dwelling. As a result, the impact would not be significant on this property in relation to loss of light or overlooking.

7.12 Other properties are located sufficiently far away, so as not to be adversely affected by the proposals.
Highway Safety and Parking Provision

7.13 There is sufficient off-street parking provision at the property for at least three vehicles, which is in line with the minimum three spaces required under current Local Highway Authority Guidance for dwellings with four or more bedrooms. Furthermore, there are no street parking restrictions on High Street and there would be no impact on visibility. The impact of the proposed development on highway safety and parking provision is therefore considered to be acceptable.

8 Conclusion / Planning Balance

8.1 Whilst the proposed development would be acceptable in relation to the impact on highway safety and neighbour amenity, it would be incongruous in the street scene and would cause harm to the character and appearance of the Conservation Area. Whilst this harm would be less than substantial, it has not been demonstrated that this would be outweighed by public benefits in line with paragraph 196 of the National Planning Policy Framework. The proposed development is therefore considered to be unacceptable on design, visual amenity and heritage grounds.

9 Recommendation

9.1 That planning permission be REFUSED for the following reasons:

10 Reasons

1 Due to its design, layout, scale and massing, the proposed development would overwhelm and detract from the host dwelling, appearing incongruous within the street scene and resulting in less than substantial harm to the character and appearance of the Duddington Conservation Area, contrary to Policy 2 of the North Northamptonshire Joint Core Strategy 2016 and Paragraph 196 of the National Planning Policy Framework 2019.

11 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 paragraph 38.

2 Drawings that this decision is based upon:
   18-693 (08)002 Revision A – Proposed Elevations and Floor Plans; and
   18-693 (00)001 Revision A – Location and Block Plan.
Case Officer Roz Johnson

Date received 30 May 2019
Date valid 6 June 2019
Overall Expiry 1 August 2019
Ward Raunds Windmill
Parish Raunds

Applicant Mr Greg Mcdonald
Agent Mr Stuart Richardson
Location Enterprise Centre Michael Way Raunds Northamptonshire
Proposal Site development board promoting the proposed development on land to the north of Asda

This application is brought before the Planning Management Committee in the interests of transparency, because the applicant is East Northamptonshire Council.

1 Summary of Recommendation

1.1 Subject to no new material issues being raised during the consultation period (ending 13th July 2019): That advertisement consent be GRANTED subject to conditions.

2 The Proposal

2.1 This application seeks advertisement consent for a pole mounted, free standing 'development board' to advertise the availability of business space in the enterprise centre which was recently granted planning consent under reference 18/02081/FUL.

2.2 The proposed advertisement features an artist's impression of the enterprise centre, with text to the upper and lower parts of the sign board. The predominant colours in the design are blue, green, white, grey and black.

2.3 The sign board would be 2.10m high by 3.66m wide and would be constructed from aluminium. It would be mounted on three no. 3m high steel poles (therefore the height to the top of the sign would be 5.1m).

2.4 The proposed advertisement would be located close to the southern boundary of the development site, adjacent to Michael Way. The advertisement would not be illuminated.

3 The Site and Surroundings

3.1 The application site is located at Warth Park (phase 2). Planning permission was recently granted for an enterprise centre (16.01.19) and site preparation works have commenced.

3.2 To the north west of the site is the A45. To the north east, beyond a group of trees lies the A45/B663 roundabout. To the east is a KFC restaurant and beyond that the B663. To the south, on the opposite side of Michael Way is an Asda supermarket and petrol station. The main built up area of Raunds lies to the south east. The site is at a lower level than the A45 and B663.
3.3 The site lies within the zone of influence of the Nene Valley Gravel Pits Special Protection Area (SPA), SSSI and Ramsar site.

4 **Policy Considerations**

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

4.2 **North Northamptonshire Joint Core Strategy (JCS) (2016)**
   - Policy 1 - Presumption in Favour of Sustainable Development
   - Policy 8 - North Northamptonshire Place Shaping Principles

4.3 **Raunds Neighbourhood Plan (Made Version, 2017)**
   - R2 - Promoting Good Design

5 **Relevant Planning History**

5.1 18/002081/FUL - Total of GIA of 36,850 sqft providing 27,000 sqft of managed business space which will provide a mix of lettable office (17,500sqft) and business starter units (9,500sqft) all within a B1 use class (a/b/c), available on flexible letting terms within a high quality managed environment with shared facilities. - PERMITTED (16.01.19)

6 **Consultations and Representations**

6.1 **Public Comments**
   - None received

6.2 **Raunds Parish Council**
   - None received

6.3 **Northamptonshire County Council - Local Highway Authority**
   - None received

6.4 **Highways England**
   - None received

6.5 **Note:** The consultation period expires 13th July 2019. Any representations received prior to the Committee will be reported to Members via the Update Report.

7 **Evaluation**

7.1 The proposal should be considered in terms of visual amenity and public safety, taking account of cumulative impacts (NPPF para 132).

   **Visual Amenity**

7.2 The proposed advertisement would be 5.1m high, which would be significantly lower in height than existing totem signs (circa 8m height) at the adjacent Asda supermarket and KFC restaurant sites. This, in combination with the site levels (which are reduced in
relation to the A45 and B663) would ensure the proposed advertisement does not appear prominent in the landscape.

7.3 The advertisement would be readily visible from Michael Way, however the scale and design of the sign is considered acceptable and it would not cause harm to the visual amenity of the area, either on its own, or when viewed cumulatively with existing signage at adjacent sites.

Public Safety

7.4 The proposed advertisement would not be illuminated and would not contain flashing or moving parts. As such, it is not considered that it would cause harmful distraction to drivers or give rise to any other public safety concern.

7.5 Any comments received from the Local Highway Authority and / or Highways England prior to the Committee will be reported on the Update Report, however it is not anticipated that they will have any objection.

8 Other Matters

8.1 The design of the proposed sign board has been amended during the course of the application (to amend the telephone number on the sign). Given the minor nature of the amendment, re-consultation was not required.

9 Recommendation

9.1 Subject to no new material issues being raised during the consultation period (ending 13th July 2019): That advertisement consent be GRANTED subject to conditions.

10 Conditions

1 This consent shall expire at the end of a period of 5 years from the decision date shown below.

2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

3 No advertisement shall be sited or displayed so as to:
   a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
   b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
   c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
7 Except where expressly stated otherwise by condition on this permission, the advert hereby permitted shall strictly accord with the following approved drawings / details:
- Drawing P0632-RHP-01-XX-DR-A-1080 P1
- Sign artwork received by email from Chris Wykes on 14.06.19 at 09:00.


Reason for conditions 2-6: Required by regulation Schedule 2(1) of the Town and country Planning (control of Advertisements) (England) Regulations 2007.

Reason for condition 7: To clarify the terms of this advertisement consent.

11 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 paragraph 38. The proposal was considered acceptable as submitted and has therefore been determined without delay.
## Index of Applications for Consideration

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**Update:**

This application has been withdrawn.

| 19/00336/FUL Page 39      | Priors Hall development site, Stamford Road, Weldon, Northamptonshire | Grant |

**Update:**

**Amended Recommendation**

Substitute recommendations on pages 39 (paragraphs 1.1 and 1.2) and 68 (paragraphs 10.1 and 10.2) with the following recommendation:

> 1.1 page 39 recommendation 1: To Grant planning permission subject to the conditions and informatives set out in the Committee report, additional conditions and informatives recommended by Environment Agency, additional and amended conditions relating to missing plans and land stability as set out below on the Committee update sheet.

> 10.1 page 68 recommendation 1: To Grant planning permission subject to the conditions and informatives set out in the Committee report, additional conditions and informatives recommended by Environment Agency, additional and amended conditions relating to missing plans and land stability as set out below on the Committee update sheet.'

**Revised Condition 2**

Condition 2 (Pages 68 and 69), under subheading *Plans* to include the following additional plans (missed from the Committee report in error):

Land stability

Paragraphs 8.35 to 8.37 (pages 64 and 65) of the report detail matters relating to land stability and related appropriate conditions 10 and 11. Following the drafting of the report, the Council’s appointed geotechnical consultant advised that conditions 10 and 11 (pages 70 and 71 of the report) could be made more robust so as to reflect the sequence of events associated with ground stabilisation earthworks and to include associated corrective measures. In order to secure the above objective, it is recommended that conditions 10 and 11 (pages 70 and 71 of the report) should be substituted with the following conditions:

**Condition 10** - The earthworks trials shall be undertaken in accordance with the ‘Priors Hall Park, Corby, Zone 3 south and Zone 2, Earthworks Strategy, project reference: 2564, Issue V3, May 2019’. Following the completion of these trials, and removal of the temporary trial areas on site, the Priors Hall, Corby, Zone 2 Earthworks Trial and settlement Assessment, project reference: 2564, Issue V2, May 2019, shall be updated and adjusted in light of the completed trials to include the final results of the CPT (Cone Penetration Testing) drilling and settlement/heave monitoring. The final completed version of the ‘Earthworks Trial and Settlement Assessment Report’ shall be submitted to and approved in writing by the Local Planning Authority, within 6 months of the date of planning consent.

*Reason:* to ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination.

**Condition 11** - The earthworks shall be carried out in accordance with the submitted ‘Priors Hall Park, Corby, Zone 3 south and Zone 2, Earthworks Strategy, project reference: 2564, Issue V3, May 2019’ for a period of no more than 12 months from the date of planning consent so as to allow for the completion of the ‘Earthworks Trial and Settlement Assessment Report’ (referred to in condition 10 above). Thereafter, the earthworks shall be carried out in accordance with the approved update to ‘Priors Hall Park, Corby, Zone 3 south and Zone 2, Earthworks Strategy, project reference: 2564, Issue V3, May 2019’ which includes final version of the Earthworks Trial and Settlement Assessment Report (referred to in condition 10 above), taking account of the completion of the trials and be consistent with the report’s findings. The updated report should also review and amend, as appropriate, the surcharging heights needed to take account of areas in which the existing ground levels are to be raised to form the development platform and the overlapping surcharge mounds, to ensure the loading of the ground to the required intensity throughout. The update to ‘Priors Hall Park, Corby, Zone 3 south and Zone 2, Earthworks Strategy, project reference: 2564, Issue V3, May 2019’ shall be submitted to and approved in writing by the Local Planning Authority, within 12 months from the date of planning consent. Thereafter, the earthworks shall only be carried out in accordance with the approved update to the ‘Priors Hall Park, Corby, Zone 3 south and Zone 2, Earthworks Strategy, project reference: 2564, Issue V3, May 2019, inclusive of any timeframe for corrective action necessary to remedy those earthworks already completed to comply with the approved update referred to above.

*Reason:* to ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination.
**Floodrisk and Drainage**

Paragraphs 8.29 to 8.34 (pages 63 and 64) of the report detail matters relating to floodrisk and drainage. The Environmental Agency (EA) has submitted revised comments on 6th June 2019:

‘Thank you for referring the amended information for the above application, which was received on 20 May 2019.

We would **remove our objection** to the application, should the email sent to us by AECOM on 05 June 2019 in support of the FRA and Drainage Statement (prepared by AECOM, project number 60572455, dated 17 May 2019), be submitted to your Authority in support of the application and the inclusion of the following condition on any planning permission granted:

**Condition**

No works to be carried out within the floodplain, as shown on drawing no. 60572455- SHT-20-ZN2-PL001 (Rev P05), or within 8.0m of Willow Brook as confirmed in the email from AECOM to the Environment Agency on 05 June 2019.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of paragraph 4 of the National Planning Practice Guidance (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

*In accordance with the National Planning Practice Guidance (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made or an application being withdrawn. Please provide us with either a link to, or a copy of the decision notice.*

**Information for Applicant**

**Environmental Permitting Regulations**

Under the Environmental Permitting (England and Wales) Regulations 2010, a permit may be required from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Willow Brook designated a ‘main river’. This was formerly called a Flood Defence Consent. Some activities are also now **excluded** or **exempt**. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: [https://www.gov.uk/guidance/flood-risk-activities-environmental-permits](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits).

**Water Framework Directive**

The Willow Brook (Northern Stream): WFD Enhancement Opportunity Plan, prepared by AECOM, dated 04 December 2018 and presented to us at a meeting held at our Kettering Office on 27 February 2019 should be submitted to East Northamptonshire Council in support of the application. We are confident in the proposals...
suggested and are satisfied that the impacts of the development on the Water Framework Directive (WFD) status of Willow Brook have been adequately addressed.

The opportunities identified to improve the WFD status of Willow Brook Northern Stream should be implemented and the details of this should be submitted with future applications.

Groundwater and Contaminated Land
We have no objections to the proposed earthworks for the purpose of providing development platforms for future development. We understood that outline applications will be submitted in due course for each development zone and consider that further detailed information should be submitted at that time to demonstrate that the risks to controlled waters are understood and can be appropriately managed.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project;
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](https://www.gov.uk) page on GOV.UK

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and
physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.'

Officer Response

At the request of your officer, the applicant has submitted additional information on 6th June 2019, to support the Flood Risk Assessment and Drainage Strategy. This includes: an email sent to the Environment Agency (EA) by AECOM on 5th June 2019 in support of the FRA and Drainage Statement (prepared by AECOM, project number 60572455, dated 17 May 2019) and Water Framework Directive (WFD) Enhancement Opportunity Plan, prepared by AECOM, dated 04 December 2018, which was presented to the EA, at a meeting held at their Kettering Office on 27 February 2019.

The email dated 5th June 2019 from Mr. Bahadir Uyduran of AECOM sent to Ms. Jennifer Moffatt of Environment Agency, confirms that no works will be carried out within 8m of the top of the bank of the Main River, Willowbrook. The WFD Enhancement Opportunity Plan, prepared by AECOM, dated 04 December 2018, provides opportunities for de-silting around culverts; improvement/modification of structures to improve flow conveyance; introduce greater diversity of geometric features; return water courses to a single channel course free from blockages; remove excessive accumulation of silt in order to improve hydrological connectivity and removal of ‘Himalayan Balsam’ from the riparian.

As set out in recommendation 1 of the Committee report, the Environment Agency has made no adverse comments but has only recommended additional conditions and informatives to enable planning permission to be granted. In order to achieve the objectives set out by the EA above, your officer has recommended the following measures: to include an additional condition 13 (page 71) as suggested by the EA; include the Water Framework Directive Enhancement Opportunity Plan, prepared by AECOM, dated 04 December 2018, as part of condition 2, Mitigation and supporting documents (page 69) and include the remaining advice received from the EA as informative 10 (page 72), under section 12 Informatives:

**Condition 13** - No works shall be carried out within the floodplain, as shown on drawing no. 60572455- SHT-20-ZN2-PL001 (Rev P05), or within 8.0m of Willow Brook as confirmed in an email from Mr. Bahadir Uyduran of AECOM to Ms. Jennifer Moffatt of the Environment Agency, dated 5th June 2019.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.
**Condition 2 - Under subheading Mitigation and supporting documents** to include: “Priors Hall Zones 2 and 3, Willowbrook (Northern Stream) Water Framework Directive (WFD) Enhancement Opportunity Plan, prepared by AECOM, dated 04 December 2018”.

**Section 12 Informatives - To include an additional informative 10:**

**Environmental Permitting Regulations**
Under the Environmental Permitting (England and Wales) Regulations 2010, a permit may be required from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Willow Brook designated a ‘main river’. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: [https://www.gov.uk/guidance/flood-risk-activities-environmental-permits](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits).

**Groundwater and Contaminated Land**
The outline planning application to be submitted in future should be accompanied by detailed information to demonstrate that the risks to controlled waters are understood and can be appropriately managed.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

You are advised that under the Code of Practice:
- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project;
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers refer to:
- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- the Environmental regulations page on GOV.UK

You are advised that contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
- Duty of Care Regulations 1991;
- Hazardous Waste (England and Wales) Regulations 2005;

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

18/02309/VAR

Asda, 161 High Street, Rushden, Northamptonshire

Update:

At section 6 of your Committee report, it was stated that those conditions which had been amended from the report presented to Committee on 10th April 2019 were indicated by italic text (e.g. conditions 7, 17 and 19). However, there were also some additional minor changes made to conditions 8, 13 and 18 to reflect advice from the Council's Solicitor. Those changes were not shown in italics (in error). For transparency, those changes are indicated below (italic and underlined).

8 The engines of all delivery and service vehicles visiting the site shall be switched off whilst the vehicle is waiting for access to the service yard.
Reason: To protect the amenities of the adjacent residential properties.

13 Notwithstanding Condition 10, the illuminated ASDA sign fronting onto Higham Road (east elevation) shall be turned off at 22:30 each evening and shall not be turned on again until 07:00 each morning (Mondays to Saturdays). Sundays.
Reason: In the interests of the residential amenity of properties opposite the site.

18 No activities which are audible to the occupiers within the surrounding residential properties shall take place in the service yard between the hours of 06:00 and 07:00 and between 22:00 and 23:30 each day or during the extended Christmas opening hours permitted by this consent.
Reason: In the interests of residential amenity and to limit the likelihood of the proposed extended opening times resulting in prolonged noise within the service yard.

19/00090/FUL

Former Factory Site, Church Street, Irthlingborough, Northamptonshire

Update:

Grant
Local Highway Authority Comments

A late representation was received from the Local Highway Authority on 28.05.19 raising an objection. The Highway Engineer has noted that the parking requirement for an A3/A5 use is slightly higher (according to the NCC Parking Standards 2016) than that of the existing A1 use. The proposed development would therefore be 3 parking spaces short.

However, it was agreed as part of the original application for the A1 retail development that a reduced number of parking spaces would be acceptable, given the proximity of the site to the town centre and as there is a large free public car park adjacent to the site. This is a logical approach to take and it would be reasonable to take the same approach with this change of use application; particularly as the deficit is only 3 spaces.

Further, as the application site is within walking distance of a significant number of dwellings, it is likely that the occupiers of these dwellings would walk to the site to make use of the A3/A5 services on offer; thus reducing the demand for parking.

As such, whilst the Local Highway Authority has noted this as a concern, your officers are confident that the parking provision provided within the site and adjacent to the site would be adequate to serve the development as a whole. The recommendation to approve has not been altered as a result.

ENC Waste Team Comments

A response was received on 25.5.19 highlighting that ‘arrangement should be made for the storage of waste containers near to the access to the site as there does not appear to be suitable access for refuse vehicle collection and the road does not appear to be of adoptable standard’. Officers note that the external yard area and the vehicle access arrangements for the collection of waste have already been considered acceptable as part of the original application. In addition, it would not be desirable to have a waste storage area close to the main access point; from a visual amenity and crime point of view.

Iächtlingborough Town Council Comments

A second response was received on 29.05.19 (in response to the re-consultation) to reiterate the previous objection.

Information from Applicant/Agent

In response to queries raised at the Committee site visit, the applicant/agent has provided the following information:

- The intended occupier is Rumbles Fish Bar, an independent operator that Central England Co-op have on other sites.
- The letting is on the basis of 11am to 10pm seven days a week.  
- [In response to officer query about provision of litter bins] There is already a bin on site. It is important to understand that the immediate landlord of the chip shop is Central England Co-operative. If additional bins are required then rest assured Central England Co-operative will not want litter on the site of our new store.
and funeral home. We will ensure the chip shop deals with their litter and if they do not then we will deal with it and recharge the cost.

- [In response to officer query about waste storage/collection arrangements] There is a shared service yard that the chip shop will be using together with the food store and the funeral home. We will allow the chip shop to have one eurobin within this yard. In our experience, with numerous chip shops in our portfolio, this will be sufficient.

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