# APPLICATIONS FOR DETERMINATION

## PLANNING MANAGEMENT COMMITTEE  - 20\textsuperscript{th} November 2019

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Outline: Residential development with public open space and associated infrastructure. Means of access from Nicholas Road. (All matters reserved except access) (resubmission of 17/00969/OUT) | GRANT | 3 |
| 19/01092/FUL | Land West Of Rushden Lakes, Ditchford Lane Rushden, Northamptonshire  
Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) | REFUSE | 51 |
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Nicholas Road, Irthlingborough
Case Officer  Amie Baxter  18/00945/OUT

Date received  Date valid  Ward  Parish
08.05.2018  08.05.2018  Irthlingborough John Pyel  Irthlingborough

Applicant  Fermyn Woods Estate

Agent  Mr M Flood – Insight Town Planning Ltd.

Location  Land Rear of Nicholas Road, Irthlingborough, Northamptonshire.

Proposal  Outline: Residential development with public open space and associated infrastructure. Means of access from Nicholas Road. (All matters reserved except access) (resubmission of 17/00969/OUT)

The application is brought before the Planning Management Committee because it is a “major” residential development as defined in legislation and falls outside of the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2019).

1  Summary of Recommendation

1.1  Recommendation 1: If a satisfactory legal agreement which secures obligations as set out in this report is completed by 10th January 2020 (or other agreed date): GRANT planning permission subject to conditions.

1.2  Recommendation 2: If a satisfactory legal agreement to secure obligations as set out in this report is not completed by 10th January 2020 (or other agreed date): Delegate to Head of Planning Services to REFUSE planning permission.

2  The Proposal

2.1  This is an outline application for a residential development, with a maximum number of 106 units. All matters are reserved for later consideration, except access; which is for consideration at this outline stage.

2.2  The following plans, reports and information have been submitted in support of the application:

- Indicative masterplan
- Opportunities and Constraints Plan
- Site and Street Sections
- Existing and Proposed Rights of Way Plan
- Parking Layout Plan
- Attenuation Basin cross section
- Phase 1 Environmental Report
- Flood Risk Assessment
- Transport Assessment
- Travel Plan
- SPA Mitigation Strategy
- Planning Statement
- Statement of Community Involvement
- Sustainable Design Checklist
2.3 The applicant has submitted an indicative site layout plan showing the proposed dwellings, associated parking and garden space, the provision of public open space and an attenuation basin for drainage. The indicative plan also shows that the existing footpaths within the site would be accommodated (albeit re-aligned) formally within the layout.

2.4 The application is not EIA development and does not require an Environmental Statement. Mitigation measures, such as a bridge over the River Nene, are proposed.

3 The Site and Surroundings

3.1 The application site is currently open grass land measuring 4.2ha on the south eastern edge of Irthlingborough. The site is bordered with 1930’s residential development to the north west, a terrace of twelve cottages to the south. Adjacent to the cottages and the southern boundary of the site is an electricity substation which contains four transformers. There is open land and the River Nene to the east. Further to the east is the A45. To the north, there is an allotment, and a footpath link to the town centre.

3.2 The majority of the application site falls within Flood Zone 1, but a small section of the site along the eastern boundary falls within Flood Zone's 2 and 3. The site falls west to east, towards the river, by approximately 17.12 metres.

3.3 The application site accommodates two public footpaths - UE17 and UE20.

3.4 The site is within a Nature Improvement Area (NIA) and is located in close proximity to the Site of Special Scientific Interest (SSSI) and Ramsar site at Stanwick Lakes. The site lies within the zone of influence of the Nene Valley Gravel Pits Special Protection Area (SPA).

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 3 - Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 10 - Provision of Infrastructure  
Policy 11 - The Network of Urban and Rural Areas  
Policy 19 - The Delivery of Green Infrastructure  
Policy 20 - Nene and Ise Valleys  
Policy 29 - Distribution of New Homes  
Policy 30 - Housing Mix and Tenure  

4.3 East Northamptonshire Draft Local Plan (LP2) (currently deferred awaiting the outcome of the Oundle Neighbourhood Plan examination)  
Policy EN1 - Spatial Development Strategy  
Policy EN2 - Settlement Boundaries – Urban Areas  
Policy EN7 - Green Infrastructure Corridors  
Policy EN10 - Enhancement and Provision of Open Space  
Policy EN11 - Enhancement and Provision of Sport and Recreation Facilities  
Policy EN12 - Design of Buildings  
Policy EN28 - Housing Mix and Tenure  
Policy EN32 - Self and Custom Build Housing  

4.4 Other Documents  
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)  
Northamptonshire County Council - Local Highway Authority Parking Standards (2016)  
East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)  
East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)  
Open Space Supplementary Planning Document (2011)  
Trees and Landscape Supplementary Planning Document (2013)  
East Northamptonshire Council - Open Space and Playing Pitch Strategy (2017)  

5 Relevant Planning History  
5.1 17/00969/OUT - Residential development with public open space and associated infrastructure. Means of access from Nicholas Road with other matters (relating to appearance, landscaping, scale and layout) reserved. WITHDRAWN 01.11.17  

6 Consultations and Representations  
6.1 Neighbours  

38 letters of objection received, points raised are summarised as follows:  

Highway Safety/Parking  
- Increase in traffic and associated issues such as congestion and collisions;  
- Noise pollution from construction traffic;  
- The development would double the number of vehicles using Nicholas Road, Hayway etc.;
• Local roads are always heavily parked. Construction traffic will not get by and there is no proposal to widen roads;
• Hayway is steep and gets slippery in winter;
• The access should not be close to Tannery Cottages;
• Residents in Nicholas and Allen Roads won’t be able to park outside their houses any longer;
• Refuse collectors struggle as it is;
• The farmer stopped using the land because of poor access;
• Local roads have to operate as one way because they are so heavily parked;
• There have been a number of accidents and near misses at the Hayway junction.

Drainage/Flooding
• The site floods and there would be more pressure on drainage with the development;
• Foul water drainage capacity is an existing issue that would be made worse;
• Drainage in Hayway is already inadequate and the development will cause widespread flooding;
• Some dwellings would be very close to Flood Zone 2;
• The flood data is incorrect.

Ecology
• The development would have a detrimental impact on wildlife;
• The applicant has already removed hedges;
• There are great crested newts on the site;
• The impact on nature and habitat would be extremely damaging.

Transformers
• Western Power wouldn’t be able to access the transformers for maintenance.

Amenity/Services
• The development will have an impact on the privacy of adjoining occupiers;
• There will be light pollution;
• There is no capacity at local medical centres and schools;
• The requested financial contribution to Spinney Brook Medical Centre will not be enough to cover the excessive number of patients per doctor.

Visual Impact
• The picturesque nature of the site would be lost.

Other
• The Design and Access Statement incorrectly references the age of nearby dwellings;
• There is not normally fly-tipping at the site, so development would not clean up the area;
• The developer will need to demolish the existing house at 2 Nicholas Road;
• There is no need for development as East Northamptonshire has reached its quota;
• There is archaeology on this site;
• The land was sold cheaply, and is grazing land, so could have been bought just for profit;
• Is the whole site owned by the applicant?
• Housing development should be put on hold until after Brexit;
• Irlhamlingborough has already grown by 33%;
• Other sites are more appropriate for this development;
• The land is grade 3 agricultural land, so should not be developed;
• The development should be seen in conjunction with others, such as Stanton Cross.

A petition has also been received, with approximately 2,600 signatures. Tom Pursglove MP is aware of the planning application and petition.

6.2 Irlhamlingborough Town Council

Comments received 14.02.19: Object for the following reasons:
• Wildlife/Conservation
• Flood risk
• Highways/vehicular access
• Construction traffic
• Infrastructure/local services
• Archaeological Assessment
• Diversions to public footpath
• Irlhamlingborough’s housing quota has already been satisfied
• Environmental damage caused by additional vehicles and houses
• Damage to the green infrastructure corridor

6.3 Little Addington Parish Council

Comments received on 22.05.18: No objection.

6.4 Higham Ferrers Town Council

Comments received on 11.07.18: No comments to make.

6.5 Natural England

Initial comments received 06.06.18: Objection:

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:
• Natural England requires details of a bespoke package of mitigation to address impacts of recreational pressure to this SSSI and SPA.

Without this information, Natural England may need to object to the proposal.

Given the scale and location of the proposed development we would advise that a bespoke package of mitigation will be required in relation to the Upper Nene Valley Gravel Pits SPA, Ramsar Site and SSSI. The application site is adjacent to the abovementioned designated site, and is likely to result in a relatively large increase in recreational pressure, which may cause disturbance to the notified features, notably populations of overwintering birds. Therefore with respect to Chart 1 of the Upper Nene Valley Gravel Pits SPA SPD Addendum, our advice is that bespoke mitigation measures rather than a fixed contribution is necessary. We note that the document titled SPA Mitigation Strategy submitted with the application outlines some onsite measures that could be provided. Whilst these are welcome, there needs to be consideration for further onsite and/or offsite measures that would address the impacts of recreational pressure in adjacent areas of the SPA. We are aware that discussions
on this topic are ongoing with the Wildlife Trust as owners of the adjacent SPA land. Whilst recognising that there may be a number of ways to address this issue, we are aware of discussions that would allow diversion of existing walking routes within the SPA through the Green Space within the application site, if a new bridge crossing the stream at the eastern boundary was provided. This option has scope to provide effective mitigation and Natural England would encourage it to be further explored.

Comments received 07.02.19: No objection. Comment as follows:
- Pleased to see indicative masterplan includes mitigation funding and a new pedestrian footbridge over the River Nene to be provided as part of the SPA mitigation package. The position should be agreed with The Wildlife Trust.
- Encouraged by the commitment from developer to pay for new fencing and gate (annotation B on plan) to deter pedestrians from walking south on the eastern side of the back channel watercourse.

6.6 Anglian Water

Comments received on 04.06.18: No objection, subject to the use of the following informatives:

- Anglian Water would ask that the following text be included within your Notice should permission be granted. "Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."
- The foul drainage from this development is in the catchment of Broadholme Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

6.7 Highways England

Comments received on 29.06.18: No objection.

6.8 Public Health England

Comments received on 22.05.19: No specific objections to this development. Offer the following advice:
"PHE's role is to review and communicate the science related to electromagnetic fields and health. Substations are a source of power frequency (50 Hz) electric and magnetic fields, and PHE's main advice is that these fields should comply with the exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP):

The guidelines are based on the avoidance of known adverse effects of exposure at frequencies up to 300 GHz (gigahertz), which includes the power frequency EMFs associated with electricity transmission. Direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal (conducting) objects exposed to electric fields. The 1998 ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV/m (kilovolts per metre) and 100 µT (microtelsa). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small.

Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

According to the Electromagnetic Surveys Limited report on your planning portal, the field levels around the substation are well within the recommended guideline reference levels. There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. It has been concluded that the studies that suggest health effects, including those concerning childhood leukaemia, cannot be used to derive quantitative guidance on restricting exposure. However, the results of these studies represent uncertainty in the underlying evidence base, and taken together with people's concerns, provide a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to magnetic fields.

Following the discussions of the Stakeholder Advisory Group on ELF EMFs (SAGE) on what practical precautionary measures are possible, the Department of Energy and Climate Change (now part of the Department for Business, Energy & Industrial Strategy) published voluntary codes of practice which set out what is regarded as suitable requirements for overhead power lines and other associated electricity equipment. Applicable to this particular consultation, there are no additional precautionary recommendations with respect to residential developments near to 132kV substations and associated underground cables."

6.9 Centre for Radiation, Chemical and Environmental Hazards (CRCE) - Nottingham

Comments received 17.05.18: No comments to make.

6.10 Cadent Gas

Comments received 24.05.18: No specific concerns relevant to planning. Offer the following advice (to be added as an informative):

"Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such
restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.”

6.11 Northamptonshire Police

Comments received 06.06.18: No objection

“Northamptonshire Police have no objection to this proposed development in principle. However at this stage it is important to make certain recommendations/observations and to strongly advise that we are consulted prior to any further reserved matters application. Our comments are based on the indicative site plan submitted with this application and some may need to be addressed to ensure Secured by Design principles are adhered to. The future success of this development can be critically influenced by crime, and Northamptonshire Police need to have a major impact on design issues, I appreciate that this cannot be overstated within this outline application. It is important however, that certain parameters are highlighted and that it is clear that architects and developers should consult with the Police Crime Prevention Design Advisor at the earliest opportunity. The following comments will help reduce the likelihood of crime, disorder and anti-social behaviour occurring and should be implemented or further discussed;

- There are a large amount, particularly to the southern part of the development, of terraced block dwellings. Although not detailed these will inevitably create the need for an unacceptable amount and length of rear access alley ways. These always make the rear of premises more vulnerable to crime and also tend to produce problems with refuge bins being left out in the street due to inconvenient storage facilities. Bins left in the street can besides being an eye sore cause issues of anti-social behaviour, litter, or be the source of arson attacks.
- A fully detailed boundary treatment scheme will need to be submitted at reserved matter stage.
- We do have some concern with regards the two main primary roads within the development not shown at this stage with any speed calming being implemented.
- To ensure the adequate and appropriate surveillance opportunities are available from the dwellings fully detailed house types will need to be agreed.
- Properties without garages will need easy accessible secure cycle storage.
- Dependant on the position of adopted lighting columns additional private lighting may be required to illuminate private communal vulnerable areas.
- Some locations where tandem parking is shown may cause issues for other road users if vehicles are parked on street.”

6.12 Environment Agency

Initial comments received 24.05.18. No objection subject to conditions (and informative):

The Environment Agency has no objection to the proposed development, as submitted, and we consider the proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measures as detailed in the
Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2018, reference number 22115/05-17/4570-Rev C, prepared by Mewies Engineering Consultants Ltd and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 38.09mAOAD, 300mm above the 0.1% annual Exceedance Probability (37.79mOAD).

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

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

No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

Informative
In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development. 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 conditions meet 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 conditions, as we may need to tailor our advice accordingly. In accordance with the Planning Practice Guidance (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made on an application being withdrawn. Please provide us with either a link to, or, a copy of the decision notice.

More recent comments received on 06.02.19: No objection, subject to conditions previously suggested.

6.13 Ramblers Association

Comments received 04.06.18: No objection.

"We are happy with the proposed diversion routes of UE20 and UE17 through the site as indicated on the site layout plan".
6.14 Nene Clinical Commission (Healthcare):

Comments received 02.07.18; Contributions required:

The development could result in an increased patient population of 256. The two practices that accept patients from Irthingborough are Spinney Brook Medical Centre, Woodford Surgery and Burton Latimer Medical Centre. Spinney Brook is closer so is likely to be the one that patients register with. The practices will need funding to accommodate the increase in population. Based on the relevant calculations, the requested contribution figure is £794.92 per dwelling (£84,261.52).

6.15 Western Power (in relation to the adjacent transformer units)

Comments received 13.06.18: No objection specifically, but offer advice as to how the noise from the 4 transformers could be controlled at source by installing noise enclosures (reduction by 20dB), given that some people can find low frequency tonal noise unacceptable. Low frequency noise can be difficult to attenuate.

6.16 Northants Badger Group

Comments received 11.06.18: No comments to make.

6.17 Northamptonshire County Council – Lead Local Flood Authority

Comments received 04.07.18: No objection, subject to conditions. Comment summarised as follows:

- The impacts of surface water drainage are adequately addressed at this stage, as long as the suggested conditions are used. (See conditions 27, 28 and 29)

6.18 Northamptonshire County Council – Local Highway Authority (LHA)

Initial comments received 11.06.18: Objection

- It is understood that this is an OUT application where the layout for 106 dwellings could change at the REM stage. For the proposed layout we have been given a revised copy where we would re-iterate our previous comments (referring to the previously withdrawn application- 17/00969/OUT) that the layout needs to be brought up to standard for highways. Some of the previous concerns have been addressed and there are some new aspects which we will provide comment on here.
- There needs to be a footway on each side of the access road.
- The access road from the access to the pumping station and the road from number 3 to the water attenuation pond are long straight roads where speeding could be an issue. The junctions by 56/83 and also 61/64 should be marked out with flush block paving (not vertical traffic calming).
- The existing dwelling at 2 Allen Road is required to have an access to 2 parking spaces for a 2/3 bedroom home.
- The rear courtyard has been removed from the shared space and visitor spaces have been added.
- The previously proposed rear parking courtyard has been removed from the shared space and visitor parking has been added. A shared space is only appropriate when serving a maximum of 20 dwellings, but the proposed shared space would serve 22.
- There is a row of parking spaces for numbers 67-74. There should be a gap of
2.7m between neighbours’ parking spaces.

Parking

- Several of the 3 and 4 bedroom dwellings are shown with 1 parking space. It is not clear whether there is an additional space as a garage or car port. 4 bedroom dwellings are required to have 3 parking spaces, where a garage may only be included as the 3rd space. 3 bedroom dwellings are required to have 2 parking spaces where a garage is not included as a space.
- There are several dwellings with tandem parking for 3 cars in a row which does not conform to the LHA standards and is not likely to be used. There are also several dwellings with 2 tandem parking spaces in a row which should be avoided as it is likely that 1 car will be parked on the road instead.
- Where tandem parking is used the LHA parking standard is to have 0.25 on road visitor parking spaces in addition to each set of tandem parking.
- There is an increase in on road visitor parking for this layout with 21 spaces for 103 plots. The LHA parking standard is to have 0.25 spaces visitor spaces per plot.
- There are also several dwellings, with one parking space shown, which is less than 5.5m to the house wall.
- Driveways for 2 cars need to be 11m in length.
- Parking should not be remote to the dwelling such as for plot 74. Plots 91/92 and 93 share 3 spaces outside 92 whereas each plot should have 2 parking spaces next to its plot.
- No off road parking spaces are shown for plots 38 and 41 where 2 spaces are required for each plot.

Further comments received 11.12.18: Objection

- "The layout shown on plan ref: 22115_03_020_002 is acceptable subject to the developer following the relevant process for unregistered land.
- There needs to be a pedestrian crossing point to the south of the access point.
- There is still the unresolved issue of visibility at the Hayway/B571 junction. There is a risk of pull out type collisions at this junction as visibility for drivers egressing Hayway is severely restricted to the southwest, by a combination of the building line, third party land and the curvature of the road. The updated designers response says that improved signage along the B571 and a VAS will be provided for consideration"

Further comments received 19.07.19: Objection

"I can confirm the LHA would be objecting on safety grounds unless the developer fully funds and implements the required mitigation as they will be adding traffic to an already unsafe situation. A One Way System seems to be the most sensible approach, however other options can be considered such as the previously discussed signalisation at the Hayway/High Street B571 junction."

Further comments received 28.08.2019, Objection, summarised as:

The LHA stresses the need for a one way system to be secured as part of the S106.

Officer Comment:

Thorough discussions which have taken place over more than a year, the applicant has amended the access details and has agreed to fund the introduction of a one way system.
Most recent LHA comments received 17.10.19: No objection.

6.19 Northamptonshire County Council – Libraries, Fire and Rescue, Broadband and Education

Comments received 04.06.2018; Contribution required towards Education, Libraries and Fire. See Appendix 1 for further details.

6.20 Northamptonshire County Council – Rights of Way

Comments received 22.06.2018: No objection

On paper this proposal looks perfectly fine. There are of course extra footpaths being offered to the public which is a benefit.

6.21 Northamptonshire County Council – Archaeological Advisor

Comments received 05.09.2019:

“In my advice letter of the 28th June 2017 in connection with 17/00969/OUT I advised that further archaeological information in the form of trial trenching was required in connection with the proposed development. The archaeological trial trench evaluation was undertaken by ULAS in November 2017. The evaluation identified areas of archaeological activity within the proposed development area.

The archaeological evaluation recorded two gullies; one linear and one curvilinear of uncertain date within Trench 1. A possible Bronze Age cremation burial was identified but not excavated within Trench 5. Trenches 8, 9, 10, 11 and 13 revealed mixed burnt deposits possibly related to the Irthlingborough Brick and Tile Works to the south of the application area. The rest of the trenches were blank.

The evaluation report also highlights that the Roman period is well represented within the area. An indication of a settlement during the Roman period is attested by the presence of large quantity of material found in Irthlingborough’s Pocket Park from the 1st and 2nd centuries AD. A former Roman road passed across the town, dividing at a point near Crouch Road, with one route leading towards the bottom of Tannery Cottages (south of the assessment area) and the other following Nicholas Road (west of the assessment area). A recent community dig undertaken by the Irthlingborough Archaeological Society on a Roman villa site to the southeast of the proposed development area, attests to the potential for Roman activity in the area.

The evaluation has demonstrated that the development area has the potential to contain archaeological remains albeit in specific areas. The identification of Roman activity in the form of a road and a villa site hints that Roman activity within the development should not be discounted despite the absence of Roman activity within the evaluation results.

The proposed development will have a detrimental impact on any archaeological remains present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure these please attach a condition for an archaeological programme of works as per NPPF paragraph 141 to any permission granted in respect of this application.
6.22 Northamptonshire County Council – Ecology

Comments received 24.10.2019: No objection. Content with the proposed SPA Mitigation Strategy.

6.23 East Northamptonshire Council – Environmental Protection (Contamination)

Comments received 25.05.2018:

"This application is for a residential development on vacant land off Nicholas Road. A similar application was made in 2017 under EN/17/00969/OUT (withdrawn) by the same applicant. The applicant submitted a Phase I environmental study in support of the 2017 application and I have relied on this for my comments, which are simply a repeat of those previously made.

The Phase I study had identified potential risks from contamination with respect to the current state of the land and risks from adjacent sites. The environmental consultant has recommended that further investigation is required to quantify the risks and develop a remedial scheme if required.

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

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

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

6.24 East Northamptonshire Council – Environmental Protection (Noise)

Initial comments received 22.11.18: Objection

"I have looked through the amended information and now note that no flats are now being proposed for this development. This conflicts with proposals made to mitigate against noise emanating from the transformer station."

Officer Comment: The applicant has revised the indicative site plan and has added flats close to the southern boundary.

Subsequent comments received 14.11.18: As per my email dated 01.10.18 a revised acoustic report has been submitted by the applicant. This report should be referred to Tony Higgins, if has not already been done. As per discussions and meetings because of the nature of the noise environment at the site, in particular low
frequency noise, external advice would be sought. Unfortunately I am unable to comment at this time without guidance from Tony.

Officer Comment
Final comments are awaited, but given the positive response from the council’s noise consultant (as reported at paragraphs 7.57 and following below), no further concerns from the Council’s Environmental Services Team are expected. Any additional comments will be reported on the update sheet.

6.25 East Northamptonshire Council – Senior Tree and Landscape Officer

Comments received 11.02.2019: No objection.

“I have reviewed the submitted documents and the applicant has addressed previous concerns and the proposed planting scheme is acceptable for the site with street trees being incorporated throughout the development and suitable planting around the greenspace.

6.26 East Northamptonshire Council – Housing Strategy

Initial comments received 23.05.18

- The outline application is for 105 (sic) units - can this be set as a maximum for the site?
- The Housing Mix and Tenure will need to comply with Policy 30 of the JCS. The indicative mix on the application form complies.
- We would expect the scheme to be policy compliant with 30% of the dwellings to be affordable. With 75% of the affordable properties for rent and 25% shared ownership.
- An affordable housing plan will be required to be approved by Housing Strategy before reserved matters are approved this will detail the property type, location and tenure split.
- We will not expect to see clusters of more than 8 or 10 affordable units and will expect them to be pepper potted throughout the scheme.
- The noise assessment report makes it clear that the flank of properties against the substation are there to create a noise barrier and that these dwellings will need to be single aspect. It will not be acceptable that more than 25% of these noise barrier dwellings are affordable.
- The size of the rear gardens on plots 40 - 49 is of concern particularly as there will be a large acoustic fence.
- Tandem communal parking groups (see parking adjacent to plots 45- 49) are of concern.
- The principle of the development is acceptable but from a Housing Strategy perspective significant concern remains about the noise barrier units plots 30 to 49

More recent comments received 29.01.19: No objection.

- The revised proposal will deliver 106 units. The housing mix as detailed in the amended masterplan drawing (dated November 2018) is compliant with Policy 30 of the Joint Core Strategy as it provides a mix of dwelling types with an emphasis on smaller dwellings (1- 3 bedroom properties) and it also makes provision for older people or households with mobility issues with 5 affordable bungalows. Ideally these units would be 2 bedroom bungalows rather than 1
bedroom as this would increase the range of potential clients who could be considered for them.

- It is pleasing to note that the affordable units are in small clusters and that some properties have now got two parking spaces rather than tandem or courtyard parking. The parking arrangements for the mid terraced properties in no's 37-39 and 40 - 42 are not ideal.

- The acoustic fence and the redesign of the units nearest to the electricity sub station should assist with noise transmission.

- The tenure split between market and affordable on the indicative masterplan suggests a 70 / 30 split which is policy compliant at 30% . This would deliver 32 affordable and 74 market homes. We would normally be looking to secure this by S106 Agreement with a 75 / 25 split of the affordable tenure (rent / shared ownership)

- We would like to see it conditioned that the affordable bungalows and ground floor flats / maisonettes are fitted with wet rooms so that people with restricted mobility can be considered.

- This proposal represents a significant improvement from the original application.

6.27 East Northamptonshire Council – Planning Policy
Consulted but no written comments received.

7 Evaluation

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

Principle of Development – Policy Context

7.2 Full weight must be given to the adopted Development Plan unless material considerations indicate otherwise, this includes the draft LP2 but the emerging draft can only be given limited weight given its stage in the process.

7.3 The adopted Development Plan for the site is the North Northamptonshire Joint Core Strategy (JCS) and a very small number of saved policies from the 1996 District Local Plan. The Planning Policy Committee decided on 29th July 2019 that the Draft Local Plan Part 2 (LP2) should be deferred pending the outcome of the Oundle Neighbourhood Plan (ONP) examination. The hearing date took place on 29th October 2019. The public hearing raised a number of concerns about the ONP and whether this fulfilled the basic conditions. On the 30th September 2019 the Planning Policy Committee agreed a revised local development scheme with a revised timetable for the LP2 with submission anticipated during summer 2020.

7.4 There is no defined settlement boundary for Irthlingborough. The draft LP2 does not give an allocation for this site.
7.5 The JCS sets out the spatial strategy for the district, including for residential developments such as this, Policy 11, 28 and 29 are key policies relevant to the proposed development.

7.6 Policy 28 of the JCS identifies a need for 8,400 homes in the district of East Northamptonshire within the Plan period (2011 – 2031). It states that Local Planning Authorities will work proactively with applicants to bring forward sites to meet these identified housing requirements in line with the spatial strategy set out in Policy 11. The Government’s objective is to significantly boost the supply of homes.

7.7 Table 1 of the JCS identifies Irthlingborough as a Market Town and its role is to provide a strong service role for the local community. Policy 11 adds to this stating that “The Market Towns will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town”.

7.8 Policy 29 of the JCS states that “New housing will be accommodated in line with the Spatial Strategy (Table 1) with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. Provision will be made for new housing as set out in Table 5”.

7.9 Table 5 of the JCS identifies that there is a requirement for 1,350 homes in Irthlingborough within the Plan period. The draft LP2, which sets out the most up to date housing figures, identifies that there were 283 completions between 2011 and 2018 (21%). There were 355 commitments as of April 2018. Therefore leaving a shortfall and requirement for 288 dwellings. This figure includes the allocations for Irthlingborough West and the 1996 Local Plan allocation at Addington Road (IR1-A). The shortfall is due to the revision to the trajectory for Irthlingborough West, where only 315 of the previously planned 700 houses are likely to come forward within the plan period. As such, there is a specific need for housing for Irthlingborough and the proposal for up to 106 dwellings would go some way to addressing this housing need.

7.10 Now that the need for the proposed housing is established, we must move to consider the suitability of the application site in principle terms.

7.11 There is no defined settlement boundary for Irthlingborough and whether or not a development is acceptable for a site must be assessed on a case by case basis. The character of the development will be discussed in more detail below, but the site has established residential development along two boundaries, with its access directly off a residential road. The site is on the periphery of the town but it is clearly well related to the built form and lies within a short walking distance of the services on offer in the town centre.

7.12 As such, there is no reason to conclude that the application site is not suitable for residential development, subject to the assessment of all other material planning considerations, which will be detailed below.

Landscape, Character and Design

7.13 This section will first deal with the impact on landscape, and will then go on to discuss the suitability of the submitted indicative masterplan.

7.14 The applicant has submitted an indicative masterplan as part of the application, which although it is indicative, the plan can be used to lead the necessary design principles for the development, to ensure that a positive outcome can be achieved. At outline stage, it
is necessary only for the LPA to be satisfied that there is evidence the site can be brought forward to an acceptable detailed design within a reserved matters application.

7.15 Section 12 of the NPPF sets out that planning policies and decisions should support the creation of high quality buildings and places. Paragraph 127 states that planning policies and decisions, should ensure that developments:

- 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;'
- 'are visually attractive as a result of good architecture, layout and effective landscaping;'
- 'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change…'

7.16 Section 15 of the NPPF deals with conserving and enhancing the natural environment. Paragraph 170 of the document states that the planning system should contribute to the protection and enhancement of the natural and local environment through, protecting and enhancing valued landscapes, ‘…(in a manner commensurate with their statutory status or identified quality in the development plan)’. The paragraph also notes that the planning system should recognise the, ‘…intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’

7.17 Policy 3 of the JCS states that the detailed design of development should conserve and where possible, enhance the local landscape character, important landscape features and important views and vistas. Appropriate landscape mitigation and/or off-site enhancements should also be provided and the setting and separate identity of settlements should be protected, in order to prevent coalescence.

7.18 Policy 8 of the JCS states that development should create connected places which integrate well with existing cycle and pedestrian networks and improve existing or create new open green spaces. Development should also create distinctive local character by responding to the site’s context and local character, topography and the overall form and landscape setting of the settlement.

7.19 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which examines the character of the local area and makes an assessment of the likely visual impact of the development within the local landscape, in order to demonstrate compliance with JCS Policy 3 and 8.

7.20 The submitted LVIA explains that “The application site extends to 4.22 ha, and is an unexceptional area of vacant land on the eastern edge of the existing developed extent of Irthlingborough, with no evident or significant landscape structure; its boundaries are defined by the garden boundaries of properties on the south side of Nicholas Road to the north west, the fencing to the Crouch Road allotments to the north, a side channel of the River Nene to the east and a remnant section of hedgerow, with Tannery Cottages and a large electricity sub station to the south west”. The site contains no features of local or district level importance in respect of landscape character. It is not subject of any local landscape designation in the development plan.
7.21 The main areas of visibility towards the site are:

- the open land extending east north east and south east from the assessment site within the valley floor
- public rights of way and other paths that cross or run the length of the Nene Valley, and from the A6 bridge between Irthlingborough and Higham Ferrers. In this area, visibility of the assessment site is partly curtailed by the planting alongside the River and the various side channels and around the now flooded and restored areas of former gravel workings. There are no views available from within Irthlingborough, save from the immediately adjacent dwellings.

In respect of landscape effects, the development of the assessment site would give rise to a Moderate landscape effect in respect of landscape character.

7.22 The LVIA states that, from Nicholas Road/ Hayway/ Allen Road immediately north of the assessment site, the visual effects from this receptor are considered to be Moderate, in that the proposed development would bring about some change to the existing view and would not constitute a significant environmental effect. In more distant views from roads - from the A6 River Nene overbridge and the A45 - the visual effect would be Moderate or Slight, and would entail only limited/ some change to the existing view and would thus not constitute a significant environmental effect.

7.23 According to the LVIA, the character of Public Right of Way (PRoW) UE17 and 20, would be fundamentally changed in that the proposed development would change the existing view and would thus constitute a significant environmental effect. From the off site section of PRoW UE20 to the south west, the visual effects of development on the application site would be Moderate, in that the proposed development would bring about some change to the existing view but would not constitute a significant environmental effect.

7.24 There would be a tangible and significant change to the view from the paths within the Nature Reserve that link PRoW UE3 and UE6. Development on the application site will be visible from these paths and will form the ‘new’ developed extent of the town, advancing the developed edge by a maximum of 200m from the existing settlement edge at the rear of Nicholas Road properties. However, new planting on the eastern edge of the assessment site will screen/ filter views of the new developed edge of the town and will also help, in time, to soften the form and relationship of the town with the valley.

7.25 The LVIA concludes that development of the assessment site would change the form, position and hence the visual impression of part of the eastern edge of Irthlingborough in relation to the Nene valley, although the incorporation of new planting within the site and on its boundaries will help progressively to reduce the visual effects of development. The development would not give rise to any unacceptable significant adverse landscape or visual impacts that would require further substantive mitigation.

7.26 Although the visual impact of the proposals, at scheme completion, will be significant and adverse for a limited number of receptors - those in very close proximity to the assessment site - the development of any medium sized site on the edge of any existing settlement will give rise, to some degree, to some adverse landscape and visual effects. However, given the advice in National Planning Policy Guidance the weight that can be attached to the effects on these private interests is limited and although a change in outlook from open fields to a housing development might be significant, that does not mean that it would be harmful. There is no right to protect a view such as this in any case.
For the majority of receptors the development of the assessment site has the potential to bring about a tangible degree of improvement to the character and appearance of the area and the setting of the town of Irthlingborough in relation to the River Nene, along with the provision of attractive and usable public open space.

It is important to make note of the positives to be offered with this proposed development, as the LVIA points out. "The development of the site would provide a significant area of accessible and useable public open space along the eastern edge of the site adjacent to the side channel of the River Nene. Although there is casual unauthorised public access across the assessment site (in addition to the formal access available on the public rights of way) the existing site is not an attractive public open space – either visually or to help meet the recreational needs of the local community. The development of 1.07ha of the site as accessible public open space (ca 25% of the overall site area of 4.22ha) will provide a substantial and improved local recreational asset."

JCS Policy 3 does not preclude development but notes that any development should be designed and located in a way that is sensitive to the setting. The supporting text notes at para 3.25 that 'Landscape mitigation measures can reduce, potentially remedy or offset against negative landscape impacts. These measures should be designed to suit the existing landscape character and needs of the locality, respecting and building on local landscape distinctiveness and helping to address any existing landscape issues.'

The submitted LVIA concludes that

"...the proposed development (taking into account the proposed mitigation measures) would:

- conserve the character and quality of the local landscape retain and enhance features of landscape importance
- give rise to no adverse effect on the safeguarding or enhancement of an important view have no effect in relation to the identity of Irthlingborough
- not give rise to any coalescence of settlements and
- provide appropriate landscape mitigation"

Officers concur with the assessment and its conclusions that the proposal would not result in material harm to the character of the area that could not easily be mitigated by appropriate landscaping. As such, the proposed development does not conflict with JCS Policy 3 (Landscape Character) and the proposed development would accord with JCS Policy 8 (North Northamptonshire Place Shaping Principles). Further, the development would accord with the aims of JCS Policy 19 through the provision of a net gain in green infrastructure.

Moving to the more detailed design principles for the scheme, Members' attention is drawn to the indicative Masterplan. This masterplan is only indicative and it is important to remember that design and layout are set aside for consideration at reserved matters stage.

Nevertheless, the overarching principles of the indicative plan can be set at this outline stage. Many discussions have taken place between the applicant and Officers, to set the design principles for the scheme. The application was withdrawn in 2017 in order for those principles to be better incorporated into the current indicative scheme.
7.34 The submitted indicative layout shows a residential development of 106 units; all with private amenity space and an appropriate parking provision, alongside a good amount of quality open space. The indicative road layout is legible and meets the relevant highway standards. The applicant has maintained a sightline through from Nicholas Road towards the Nene Valley and the proposed dwellings would be set back from the southern edge of the site to limit the impact of the built form on the Nene Valley area. The applicant has no concern with limiting the height of the dwellings to two storey to reduce the visual impact further. The development could also be designed to counter any noise generated from the adjacent electricity transformers. In addition, the existing footpaths would be incorporated into the site. These matters will be discussed further in the report. Issues such as overlooking, overshadowing etc. are reserved matters. The applicant has demonstrated as part of the submitted indicative plan that a proposed layout could be accommodated that would prevent any detrimental harm to the occupiers of nearby properties by reasons of overlooking, overshadowing or overbearing impact.

7.35 Overall, it is considered that the submitted indicative masterplan demonstrates that a well designed development could be accommodated on the site. A condition is recommended to ensure that the subsequent reserved matters scheme incorporates the design principles noted above, and to ensure that the number of units does not exceed the 106 units that this application has been assessed upon. An additional condition, to limit the height of the buildings across the site to two storey, plus a landscaping condition are also recommended.

Housing Mix

7.36 Policy 30 of the JCS states that the mix of house types within a development should reflect:

(i) the need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms) including, where appropriate, dwellings designed for older people;
(ii) the existing housing stock within the settlement or neighbourhood / ward in order to address any gaps in provision and to avoid an over-concentration of a single type of housing where this would adversely affect the character or infrastructure of the area.

7.37 The applicant has suggested a housing mix of the following:

Open Market:
4 bed: 5
3 bed: 42
2 bed: 19
1 bed maisonette: 8
Total: 74

Affordable
3 bed: 5
2 bed: 18
1 bed bungalow: 5
1 bed maisonette: 4
Total: 32
This suggested mix is only indicative at this stage. The applicant has however committed to providing 30% affordable housing and this can be secured as part of the associated S106 agreement. The tenure split between market and affordable on the indicative masterplan suggests a 70 / 30 split which is policy compliant at 30%. This would deliver 32 affordable and 74 market homes. We would normally be looking to secure this by S106 Agreement with a 75 / 25 split of the affordable tenure (rent / shared ownership).

7.38 The Council’s Housing Strategy Team has confirmed that the proposed mix would have an emphasis on smaller units and provide accommodation for people with limited mobility, such as the 5 bungalows. Therefore, the proposed development would comply with Policy 30 and there are no outstanding concerns in respect of the proposed mix or the provision of affordable housing. Any future reserved matters application which seeks approval for the layout of the site must take the requirements of Policy 30 into consideration and demonstrate how it has been addressed. However, this is not a matter for consideration at the outline stage.

7.39 In addition, the applicant is advised to take in to account the comments of the Housing Team when designing the site and submitting an application seeking approval of the reserved matters. This should take in to account the need for older person’s properties and accessible properties, including bungalows.

Highway Safety and Parking

7.40 The NPPF (para. 111) states that all developments that will generate a significant amount of traffic movements should be required to provide a supporting Travel Plan, alongside a Transport Statement or Transport Assessment so that the impact of the proposed development can be fully assessed. Paragraph 109 of the NPPF states that:

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

7.41 A significant level of concern has been raised by local residents about the impact of the proposal on highway safety. Concerns relate to congestion, construction traffic and emergency vehicles, a lack of parking, the safety of the access points and the increase in traffic in general.

7.42 The application is supported by a Transport Assessment. The key points this makes are:

- There is one regular bus service operating within close proximity (Ebbw Vale Road- Service 45) to the site, with a number of other services operating from the centre of Irthlingborough.
- A number of facilities and amenities are available within Irthlingborough Town Centre, within walking distance.
- Capacity assessments have been carried out at two off site junctions (agreed with LHA) to determine the potential impact of the development. Traffic counts were taken in 2016 and 2018 for base level data, and then predictions to the year 2031 have been made, on ‘do something’ and ‘do nothing’ scenarios. The result of the capacity assessment show that both the High Street/Hayway junction and the Tannery Cottages/Allen Road/Nicholas Road/Hayway crossroad junction would operate well within capacity in 2031, so no further assessment is required.
• In order to implement the proposed access, land from Number 2 Nicholas Road (which is in the control of the applicant) will be required. The proposed carriageway within the site would be constructed to adoptable standards and a footway would be provided.

• A new priority junction would be formed onto the proposed access road which would provide formal access to the existing Tannery Cottages carriageway.

• Data provided by the LHA highlights that there are no accident concerns within the study area.

• A travel plan has been produced for the site to reduce dependency on the private car; the main measures proposed are:
  - Welcome packs;
  - Promotion of cycling to access local amenities;
  - Promotion of car sharing;
  - Promotion of public transport;
  - 2 x 6 month bus passes.

7.43 The Transport Assessment identifies that the peak times for traffic using the Hayway would be between 8:00am and 9:00am, and again between 4:45pm and 5:45pm. Traffic counts show that 47 vehicles turned left out of Hayway and 74 turned right in the morning peak, and 38 turned left and 30 turned right in the evening peak.

7.44 TRICS data identifies that there will be an average of 68 two-way vehicle movements during the AM peak and 69 two way trips in the PM peak. This is just over one vehicle per minute during the peak hours. However, these trips would be split between Hayway, Allen Road and Nicholas Road.

7.45 A junction capacity assessment has been carried out, which demonstrates that all junctions would have sufficient capacity available following the completion of the proposed development and would not lead to additional queuing.

7.46 The submitted Transport Assessment concludes that the proposed development would not result in any harm on highway safety and would not lead to congestion in the surrounding areas. It proposes that the access points would be safe and the level of trips generated would not be detrimental.

7.47 There has been much discussion between the applicant, the LPA and the LHA since the initial objection from the LHA. The applicant has acted on the advice of the LHA on all counts, including the addition of a crossing point at the access to the site and alterations to the access gradient. The LHA is satisfied with the position, layout and visibility splays for the proposed access point. The LHA is also satisfied that the proposed access is located at an appropriate distance to the access to Tannery Cottages.

7.48 The proposed road layout within the site is not being considered in full at this stage, but it is important to assess whether the site would be able to accommodate the level of parking necessary for a development of up to 106 dwellings. An indicative parking plan has been submitted, which demonstrates that each property could have its own off road parking provision that would meet the LHA guidance in terms of number. Parking for No.2 Nicholas Road would also be proposed within the site and this would need to be conditioned. The applicant has been advised that tandem parking is not favourable and the indicative plans show the majority of the units with tandem spaces. However, the scheme would not be reliant on tandem spaces to accommodate the maximum number of dwellings. This is a matter for full consideration at the reserved matters stage when approval of the layout is sought. However, an informative is recommended to advise the applicants of the need to avoid relying on tandem parking.
7.49 One matter that has been up for discussion for some time is the LHA’s request for the developer to fund and facilitate the introduction of a one way system, to make the High Street/Hayway junction for ingress only and prevent highway users from having to pull out of Hayway using the existing access point which has poor visibility. It is clear that the visibility when pulling out of Hayway is an existing issue, and the developer should not be expected to account for issues which are already in existence. Further, any contribution should be proportionate to the additional impact caused by the development. However, the applicant agrees that the proposed development would add to that existing issue and as such, the applicant has agreed to cover the costs for the implementation of the entire one way system scheme. This contribution, plus an indicative plan showing the proposed one way scheme, would be secured as part of the Section 106. In response, the LHA has withdrawn its former objection.

7.50 The LHA has requested a bus contribution. However, no justification for such a request has been put forward when requesting this contribution. The case officer has pressed the LHA several times to explain that contributions cannot be requested on an arbitrary basis and must be supported by policy (eg. An SPD or other adopted document). The LHA has repeatedly failed to provide the LPA with relevant justification. As such, it would not be reasonable or correct to insist that the applicant provides such a contribution as there is no definitive basis for requesting the contribution. To do so, could leave the LPA open to criticism.

7.51 The proposed scheme would incorporate the relocation of the existing Public Rights of Way (PROW) which run through the site. The proposed position of the PROW’s is good and would link well with other existing footpath links leading to the town centre and surrounding recreation areas. The resultant development would mean that the PROW would be safer and more attractive for users. The LHA does not object in respect of the proposed relocation of the PROW’s.

7.52 The applicant has been able to demonstrate that the proposed development could be accommodated within the site in terms of providing appropriate access roads and parking to serve the development, in accordance with the objectives of the NPPF with regards to road safety.

7.53 Matters relating to the proposed one way system can be secured in the S106 agreement.

Environmental Matters:

Noise

7.54 The application site lies adjacent to four large electricity transformers, maintained by Western Power. It is the applicant’s responsibility to demonstrate that dwellings could be accommodated within the site, as is proposed in the indicative masterplan, without resulting in any harmful effects.

7.55 Initial concerns were raised by the Council’s Environmental Protection Officer with regard to the potential for noise associated with these transformers, given the Low Frequency Noise (LFN) which is experienced as a low hum, depending on the atmospheric conditions and wind direction. The Senior Environmental Protection Officer felt that the applicant had not fully explored and demonstrated the likely impact of the transformers on the proposed development in their submitted noise assessment and suggested that further work was necessary. It was however established at that point that the future occupiers that would be closest to the transformers would be the most
affected, and that noise levels would reduce (in general terms) the further across the site one travels.

7.56 Following the objection from Environmental Protection, the applicant initially explored the prospect of retrofitting noise enclosures. Advice was sought from Western Power who agreed that noise control at source was a possibility. However, this was found to be cost prohibitive, at a prospective £30,000 - £50,000 per transformer.

7.57 Following that, the applicant was asked by Officers to commission an independent noise modelling report covering LFN, to demonstrate that the nearest dwellings could be accommodated without determinant to the wellbeing and living conditions of future occupiers. In addition, the possibility that the nearest dwellings could be used as a physical barrier to limit the impact of noise further across the site was also to be explored as part of the modelling exercise. The noise modelling was carried out by the applicant’s noise consultant and then assessed independently by a reputable independent noise consultant chosen by the Council (referred to in this report as the INC). Before moving on to the assessment of the modelling report, it is important to be aware of the policy and guidance surrounding the assessment of noise and its potential for harm.

7.58 Firstly, the NPPF paragraph 180 states that in respect of noise the aim for new development is to ‘mitigate and reduce to a minimum potential adverse impacts’ and ‘avoid significant adverse impact’. The standard required is that acoustic impact should be reduced to a minimum and that any impact identified as significant should be considered unacceptable and trigger a need to refuse the application.

7.59 Low frequency noise is considered to be potentially more disturbing than other sources. Word Health Organisation (WHO) guidelines indicate that for a good night’s sleep, the equivalent sound level should not exceed 30 Db(a) for continuous background noise and that special attention should be given to; noise sources in an environment with low background sound levels; combinations of noise and vibrations; and to noise sources with low frequency components. All of which relate to the proposed development.

7.60 The Government’s Planning Policy Guidance provides additional guidance for determination of impact criteria as:

"[Local Planning Authorities'] plan making and decision taking should take account of the acoustic environment and in doing so consider:

- Whether or not a significant adverse effect is occurring or likely to occur
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved".

7.61 To aid with the consideration of this scheme, a recent appeal decision on an application to convert an existing office to 30 flats on an industrial estate is relevant. In the case of this appeal, which is outside of this district (APP/C3810/W/19/3230687) the council was concerned that although acceptable noise standards could be met through mitigation measures such as mechanical ventilation and insulation, residents would be required to keep their windows closed, which the council considered harmful to quality of life. Inspector Tim Crouch found no evidence that reliance on mechanical ventilation is harmful to living conditions.
7.62 Turning back to the applicant’s independently commissioned noise modelling report, the conclusions are as follows:

- A ‘better than standard’ approach to achieving appropriate sound levels on this site should be the aim.
- The independent consultant (INC) points out that there are no fixed standards for determining acceptable levels of LFN inside buildings, but notes that the use of ‘NR30’ is a standard for achieving good noise levels inside rooms at night. The ‘NR’ standard is often used in the measuring of noise from mechanical sources and consists of an assessment to determine acceptable indoor environment levels for hearing, speech communication and annoyance. The levels range from NR0 (best) to NR 130 (worst). NR 30 is considered acceptable for dwellings. For reference, NR 25 is acceptable for background levels in recording studios and churches and NR 35 is acceptable as background noise for libraries, court rooms and operating theatres.
- Further, a level of 38Db (100Hz) internally is considered high and would be experienced as a notable tone inside properties. Levels at least 10dB lower would be required in order to avoid noticeable tones indoors.
- There is a distinction between the level of sound emitted by the two of the four transformers that are older. The two new transformers are significantly quieter (by 10Db) and the older two transformers have been found to be the substantive source of the 100Hz tones which are most noticeable. The older two transformers are coming to the end of their serviceable life, will be retained until they fail but would be replaced with much quieter versions.
- The Applicant’s noise report is based upon the maximum noise levels generated for each transformer, and these levels are consistent with the measurements taken by the INC.
- As distance increases, as does noise from other sources; so noise experienced at the edge of the transformer site is far greater than is experienced at the centre of the site, for example.
- The Council’s noise consultant clarifies that the modelling work carried out by the applicant’s noise consultant was done using appropriate methodology and incorporates data obtained from measurements carried out on the transformer site, in co-operation with Western power.
- The modelling is based on an indicative plan, given that the application is at outline stage. Any reserved matters application would need to demonstrate that a revised layout could be demonstrably compliant.

7.63 As part of the proposed mitigation measures to bring noise to an acceptable level, the applicant proposes to install 4 metre high double skinned timber fencing, with an acoustic absorbing insulation. The barrier performance is noted to be 24.4dB at 100hz. The Council’s INC notes that “provided the barrier extends to well beyond the area they protect, then (as evidenced by the modelling) the full 24.4dB attenuation is likely”.

7.64 The noise modelling report states that, with the fencing in place, it is unlikely that an acceptable noise environment could be achieved for the rear rooms on plots 43-50 (those closest to the older transformers). The report then goes on to recommend that noise sensitive rooms are oriented away from the transformers and that high level acoustic glazing is installed (to specification 43Db), alongside a passive acoustic ventilation system to prevent the need to open windows (except for rapid ventilation).

7.65 The Council’s INC agrees that with the proposed mitigation in place, rooms in the exposed façade would experience 34dB and comply with NR34. However, this would not be acceptable for a bedroom or living room. In the rooms facing away from the
transformer site, much better acoustic levels would be achieved, with more modest acoustic glazing (complying to 31Db) with an acoustic ventilation system. In this scenario, internal levels of 25dB could be achieved and compliance with the lower level NR23 could also be achieved- when windows are closed.

7.66 However, with windows open, noise levels would be slightly higher, but the perception of this increase could be reduced by orientating the sensitive rooms away from the noise source.

7.67 The impact of noise on external areas- such as gardens- also needs to be assessed. The worst case scenario is taken as being the garden of Plot 41 and a noise level of 47Db, following mitigation. This level complies with WHO guidance for day time standards. Whilst it is noted that the amenity areas of the plots closest to the transformers would notice low frequency noise, this level is not likely to be greater than that experienced by the occupiers of Tannery Cottages, and are likely to be better for some, where design can reduce the impact.

7.68 In conclusion, the Council's INC advises that the applicant has demonstrated with evidence, that the site can be developed for housing whilst meeting sensible acoustic standards. Any development would need to be subject to careful design, layout and noise mitigation measures to ensure good standards of amenity by:

- Using single aspect units on the southern part of the site. This would create a barrier effect for the remaining development.
- Use of a significant barrier on the southern boundary of the site directly adjacent to the transformers is considered essential.
- High specification windows suitable for mitigating low frequency noise are essential on exposed facades, alongside a forced air ventilation system for the worst affected plots.
- Carefully designed internal layout and the orientation of buildings will be required, including consideration of managing thermal gain so that windows do not need to be opened.
- Additionally, some existing properties on Nicholas Road may see a benefit in the reduction of perceived sound levels due to the barrier provided by the proposed development.

7.69 The Council's INC has also recommended a condition to ensure that the necessary acoustic measures are secured at this outline stage and it reads as follows:

1) Any application(s) for approval of reserved matters shall include a detailed acoustic assessment and mitigation scheme. The detailed acoustic assessment must:
   a) Identify, quantify and qualify the noise exposure to dwellings likely to experience noise for the substation'
   b) Identify any necessary mitigation measures that are no less effective than those specified in 'LFA SUPPLEMENTARY NOISE ASSESSMENT -PROPOSED RESIDENTIAL DEVELOPMENT ON LAND OFF NICHOLAS ROAD IRTHLINGBOROUGH', dated September 2018.
   c) Provide detailed specifications for acoustic glazing, barriers or other mitigation measures as per (b) above.
2) All mitigation identified by condition 1 above shall be implemented prior to the first occupation of the dwellings hereby approved, and shall be maintained for the life time of the development.

   Reason: To ensure that the amenities of future occupiers are protected.
7.70 Members are advised that your officers see no reason not to accept the conclusions made by the Council’s INC and therefore support a positive recommendation on this point, subject to the proposed condition (with minor amendments for clarity).

Air Quality

7.71 The Council’s Environmental Protection Team has not raised any concerns in respect of air quality.

Contamination

7.72 The Council’s Senior Environmental Protection Officer has suggested that standard conditions are added to ensure that any contamination found is remediated appropriately. These conditions are recommended as part of this report.

Flood Risk and Drainage

7.73 The key policy context for the issue of flooding is contained within the NPPF, which seeks to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from the areas at greatest risk. There is also the general presumption in favour of sustainable development.

7.74 In addition to the NPPF and the JCS (Policy 5), the Flood and Water Management Act 2010, Planning Policy Guidance on Flood Risk and Coastal Change 2015 and the East Northamptonshire Council Level 2 Strategic Flood Risk Assessment (SFRA) 2012 are all relevant in assessing the likely impact of development.

7.75 The application is accompanied by a site specific Flood Risk Assessment and a Drainage Strategy. A number of concerns have been raised by local residents about flooding and the impact of surface water runoff and the impact on the existing sewerage network. Anglian Water, the Environment Agency and the Lead Local Flood Authority (LLFA) have been consulted on this application.

7.76 The Environment Agency flood maps show that the application site lies predominantly in Flood Zone 1, with small areas to the north eastern edge located within Flood Zone 2 and 3. All of the proposed dwellings are located within the extent of Flood Zone 1 and as such, a sequential test is not required. The proposed residential development is categorised as ‘more vulnerable’.

7.77 The applicant has submitted a Flood Risk Assessment (FRA) which includes an assessment of the potential for all sources of flooding, such as fluvial, sewerage, groundwater and artificial water bodies. It is concluded that all these sources pose a low risk to the development, subject to the recommended mitigation measures being implemented.

7.78 The submitted Flood Risk Assessment concludes that:

- Infiltration drainage is the primary means of surface water disposal for this site, due to the local underlying geology as identified by the soakage tests undertaken throughout the site.
- The proposed drainage strategy sets out that surface water from the development would be collected via a network of surface sewers for discharge into an infiltration basin positioned in the north east corner. These systems
provide attenuation for flows up to a 1 in 100 (+40% climate change) year event and will not increase flooding on the site or elsewhere.

- All foul water would be discharged into the existing public sewer network located to the west of the site. A pumping station is proposed to pump foul flows to the point of connection on Nicholas Road.
- The proposed development would increase the impermeable area of the site.
- The volumes and peak flow rates of surface water leaving a developed site are no greater that the rates prior to the development.

7.79 Mitigation measures which are proposed are:

- The development layout, drainage network and levels of the proposed development would be designed to direct overland flow through the development and towards the north, following the existing topography.
- Installation of a surface water drainage system to intercept the majority of run-off generated within the development roads.
- The drainage system will attenuate and infiltrate the 1 in 100 year storm event (+40% climate change) ensuring no surface run off. This would provide a betterment in peak storm events.
- All dwellings would be set at a minimum of 300, above the EA's modelled Flood Zone 2 extent, and 600mm above the same for Flood Zone 3.

7.80 The LLFA is satisfied that the proposed development would not lead to an unacceptable risk of surface water flooding and that the impacts of surface water drainage have been adequately addressed. It has recommended that a number of conditions should be attached to any planning permission that is granted.

7.81 The Environment Agency has no objection to the proposal subject to the use of a condition to ensure that the development is carried out in accordance with the Flood Risk Assessment and the recommended proposed mitigation measures. Therefore any future reserved matters application will have to demonstrate how these matters have been addressed.

7.82 The submitted Drainage Strategy summarises that the proposed development can be drained without causing detriment to the public sewerage network. The public sewerage system has capacity to accept flows from the development but the existing foul drainage system does not currently have capacity. However, Anglian Water are obliged to accept flows. This has been confirmed by Anglian Water.

7.83 Anglian Water has no objection to the proposed development subject to a number of informatives which they have recommended are attached to any decision notice should permission be granted.

Ecology

7.84 The application site is within a Nature Improvement Area (NIA). The site is separated from the adjacent Nene Valley Gravel Pits SSSI / SPA / Ramsar site by a section of river and an area of low lying land. A Habitat Regulation Assessment has been carried out and is appended to this report (at Appendix 2).

7.85 An extended Phase 1 Habitat Survey and a Reptile Survey has been carried out which confirmed that the site comprises a single rough grassland/scrub field parcel with some hedgerow boundaries. The grassland is rank and generally species-poor and the scrub areas are dominated by sprawling bramble. Generally, the site is of low ecological value
due to low species diversity and limited habitats.

7.86 The Phase 1 survey confirmed that there are no suitable ponds within the site, or any nearby, that would be habitat for newts or other amphibians. The site lacks species-diverse habitats that would support rare or notable invertebrates.

7.87 The site does not support a grass snake population and it is not anticipated that the site supports significant numbers of notable bird species other than passerines utilising bramble scrub for breeding (e.g. white throat, dunnock etc). No active badger sets were recorded on or close to the site and there are no local records for badgers in the area. No signs of use by water vole or otter were identified during the walkover (including a detailed inspection of the marginal edge).

7.88 The river edge is an important area for wildlife and it is proposed that the landscaping in these areas will be retained and enhanced as some mammals may use the area when commuting. No development is proposed close to these areas. The majority of the habitats within the site are of low value for bats and no mature boundary trees are present that would provide roosting opportunities. The site may host commuting bats and the proposed attenuation pond would introduce more attractive foraging habitat. No bat roosting features were identified within or near to the site and as such no impact to bat roosting features is anticipated.

7.89 The applicant has submitted an SPA Mitigation Strategy, which was compiled in negotiation with The Wildlife Trust. The Wildlife Trust was keen to achieve a bespoke strategy for the site and this has been accepted by the applicant. The Mitigation Strategy details the installation of a bridge, funding for mitigation measures and the installation of fencing and gates to limit public access to more sensitive areas.

7.90 The Mitigation Strategy was sent to Natural England and the Council’s Ecologist (NCC) for consideration.

7.91 Natural England is encouraged by the proposed SPA Mitigation Scheme and suggests that the measures are secured through the planning process. The Case Officer is discussing the most appropriate method (condition or S106) for this and will report the conclusion to member’s on the update sheet. The Council’s Ecological Advisor is content with the proposals, subject to the recommended condition.

Landscaping / Arboricultural Implications

7.92 This is not a matter for consideration at outline stage for this development. Nevertheless, the LPA’s Senior Tree and Landscape Officer is satisfied in principle with the submitted landscaping details. There are no protected trees which would be affected by the proposed development.

S106 Obligations

7.93 The following developer contributions have been requested (based on 106 units):

7.94 Education

Early Years:
1 bed- £0
2 bed units- £3,724
3 bed units- £3,972
4 bed+ units- £4,220
Primary:
1 bed- £0
2 bed- £1,614
3 bed- £3,972
4+ bed- £4,592
Total: £258,680

Secondary:
1 bed- £0
2 bed- £1,170
3 bed- £4,600
4+ bed- £5,941
Total: £220,450

Healthcare
£794.92 per dwelling.
Total: £84,261

Libraries
1 bed- £109
2 bed- £176
3 bed- £239
4+ bed- £270
Total: £15604

Fire Hydrants (proposed to be conditioned)
2 x hydrants
Total: £1784

Bus Service
Not appropriate to secure a contribution as no justification has been provided by the Local Highway Authority.

Wildlife Mitigation
By condition or S106 (as appropriate), as agreed with Natural England.

Public Open Space
Amenity Green Space: 1520 m2
Natural/semi-Natural: 3302 m2
Children/Young People: 254m2
Total open space requirement – 5,076 m2

Local Equipped Area of Play (LAP and LEAP)

Affordable Housing
30% affordable units, with 75% of the affordable units being for rent and 25% as shared ownership.

Highway Improvements
Design and fund the implementation of a one way system off Hayway and through surrounding roads.
The applicant has agreed to provide all of the above contributions (except bus contribution) and all will be secured in the appropriate manner, relevant to each contribution.

**Waste**

The layout of the site is yet to be confirmed but roads that are to adoptable standards would be included. Waste collection, and access to the site for waste vehicles, is a matter for consideration at reserved matters stage.

**Crime**

Northamptonshire Police do not object to the principle of developing this site but have suggested some design guidance which should be followed when an application is submitted seeking approval of the reserved matters. It will be up to the applicant to demonstrate at that stage that crime will not be an issue associated with the development. Northamptonshire Police would be consulted again at the later stage in the planning application process, but the applicant is advised to address the comments of Northamptonshire Police in any future planning application.

**Rights of Way**

The Rights of Way Officer is encouraged to see that the UE20 and UE17 will be diverted. The routes would be attractive to users and help to ensure that footfall is kept to appropriate routes, away from ecologically sensitive areas.

**Other Matters**

**Equality Act 2010:** It is not considered that the proposal raises any concerns in relation to the Equality Act (2010). The site would be accessible to all and the applicant has demonstrated that provision can be made for a number of bungalows across the site.

**Sustainable Construction:** Policy 9 of the JCS states that developments should incorporate measures to ensure high standards of resource and energy efficiency, and a reduction in carbon emissions. The submitted Design and Access Statement demonstrates that the design of the scheme has taken into account the need to minimise the use of resources and creation of waste. A condition is recommended to ensure water use is limited to that specified by JCS Policy 9, alongside the installation of electric vehicle charging points and minimum standards for gas fired boilers.

**Environmental Impact Assessment:** The application has been screened and an EIA is not required.

**Loss of Agricultural Land:** Concern has been raised by neighbours about the loss of the agricultural land if the application site is developed. Whilst this is a valid concern, the loss of the agricultural land is outweighed by the need for housing in Irthlingborough to address future predicted growth. In addition, other than Irthlingborough West, there are no alternative sites within the Town on brownfield land that could accommodate the proposed housing numbers in order to meet Irthlingborough's housing requirement. Further, neighbours have noted that the previous owner of the site stopped using it for agriculture as it was not easy to access, presumably with agricultural vehicles. As such, the site is not currently contributing to agriculture in any case.
8.5 Public Open Space (POS): The indicative plan submitted shows a large area of amenity space close to the eastern boundary of the site and adjacent to the watercourse. The indicative plan shows a provision of 4,010m². The Council’s adopted Open Space SPD indicates that the required open space provision would be 5,076m², which leaves a shortfall of 1,066m². However, given that the application site is directly adjacent to the abundance of open space and footpaths at the east of the site, it would be reasonable to accept the shortfall for this development.

The position of the open space is in response to several factors. Firstly, this is the area which falls into the most sensitive flood zones (2 and 3). In addition, officers recommended that the built form was set as far back from the river as possible, to limit the visual impact of this edge of settlement development, and having an open area along this edge will help with the visual transition between the town and the countryside.

As part of the open space, a flood attenuation basin is proposed (north east corner). The applicant has submitted an indicative plan to show that this basin would hold a significant amount of water in the wetter months, but is only likely to hold minimal levels (at a depth of less than 1 metre) over the hotter, summer months. The indicative plan shows that it is possible to ensure that the sides of the basin would not be so steep that it could not be used as a play feature by children. When the basin is planted, it would appear as a positive feature visually and for wildlife. As such, the basin would contribute to the public open space provision. There is no intention to add a perimeter fence to the basin, to ensure that it is used as landscaping feature when possible. It is necessary for users to self assess risk and be responsible for their own safety, rather than for the basin to be fenced off to prevent all use.

8.6 Archaeology: Neighbours have raised concerns regarding the potential for archaeology relating to this site. It is acknowledged that there was a dig organised with the involvement of local school children within the last few years. The LPA has consulted the Archaeological Advisor at Northamptonshire County Council (NCC) who has confirmed that trial trenching has already taken place within the site (2017) which identified areas of archaeological activity. This included two gullies and a possible bronze age cremation site, and burnt finds possibly related to Irthingborough brick and tile works. There is also evidence of Roman activity. The Archaeological Advisor notes that this evidence would not mean that the development could not go ahead, and it is recommended that a condition is used, requiring an archaeological programme of works.

8.7 Brexit: One local objector has suggested that this application is not determined until after Brexit. It is not reasonable to put a hold on residential development until the outcome of Brexit is realised, particularly as the process for this issue may continue for some time.

8.8 Land Price: The price of the land when it was sold to the current owner is not a material planning consideration and the matter has no influence on the outcome of this application.

8.9 Site Ownership: The applicant does not own a small triangular section of land close to the access point which is inside the red line. The applicant has duly advertised the planning application in the local press as required.

8.10 Fly-tipping: Officer’s note comments from neighbours saying that fly-tipping is not a regular issue at the site.
8.11 **Parking Outside Individual Dwellings:** Although local residents have possibly had the benefit of being able to park on the public highway outside their homes, this is not a right. The proposed development would be self-sufficient in terms of parking, so would not increase the demand for parking on Nicholas Road or other roads in the area.

8.12 **Inconsiderate Parking:** This not an issue to be considered as part of this planning application and similarly, is not a reason to refuse this application.

8.13 **Access to Transformers:** The proposed development would not prevent access to the adjacent electricity transformers.

8.14 **Noise:** Noise during construction would be inevitable and is to be expected with a large development such as this. However, if the noise reaches a level which is considered a disturbance, then this can be dealt with using other specific environmental legislation. In order to limit noise as far as possible as part of this planning application, a condition requiring a Construction Management Plan (CMP) is recommended.

8.15 **Pre-commencement Conditions:** The applicant has agreed to the use of the recommended pre-commencement conditions.

8.16 **Health Impact Assessment:** Paragraph 91 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds. A contribution towards healthcare has also been sought.

9 **Conclusion / Planning Balance**

9.1 The principle of developing the site is considered to be acceptable as there is an identified need for housing in Irthlingborough in accordance with the adopted Development Plan.

9.2 Whilst the proposal would have a visual impact for the closest neighbours, it is not considered to be a detrimental one and matters of appearance, scale and layout are all matters for later consideration.

9.3 The Local Highway Authority, Lead Local Flood Authority, Anglian Water, Environment Agency and the Council’s Ecologist, Environmental Protection Officer (with supporting independent advice) and Archaeological Advisors do not object to the proposed development in principle, subject to the recommended conditions.

9.4 Matters such as neighbouring amenity, ecology, flooding, crime and all other matters have been satisfactorily addressed to a level appropriate for the outline stage, but all will be assessed in more detail as part of any subsequent reserved matters application.

9.5 Overall, Officers do not consider that there is justification to refuse planning permission and as such, the application is recommended for approval.
10 **Recommendation**

10.1 **Recommendation 1:** If a satisfactory legal agreement which secures obligations as set out in this report is completed by 10th January 2020 (or other agreed date): GRANT planning permission subject to conditions.

10.2 **Recommendation 2:** If a satisfactory legal agreement to secure obligations as set out in this report is not completed by 10th January 2020 (or other agreed date): Delegate to Head of Planning Services to REFUSE planning permission.

11 **Conditions**

1 Approval of the details of the siting, scale and appearance of the dwellings and the 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.


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


4 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

*Reason:* To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF Paragraph 141.

5 The details required to be submitted by condition 1 above shall include the provision of a scheme for lighting the public and private areas of the development hereby permitted. The development shall thereafter be carried out in accordance with these approved details in accordance with an implementation plan to be agreed. Details shall include location, design, height and lux, uniformity level and a management and maintenance schedule to be retained in perpetuity.

*Reason:* In the interests of amenity and crime prevention and biodiversity.

6 The details required to be submitted by condition No.1 shall include, details and samples of the external roofing and facing materials to be used for the construction of the dwellings hereby approved. The development shall thereafter be implemented in accordance with the approved details and retained in perpetuity.

*Reason:* To achieve a satisfactory appearance for the development.
7 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species. 
Reason: To ensure a reasonable standard of development and to avoid detriment to the visual amenity of the area.

8 The details required to be submitted by condition No. 1 shall include the provision of boundary screening to the site. This shall include details indicating the positions, height, design, materials and type of boundary treatment to be erected. This boundary screening shall then be provided in accordance with the details so approved before each respective dwelling is occupied and shall be retained and maintained thereafter in perpetuity. 
Reason: To ensure adequate standards of privacy for neighbours and occupiers and to safeguard the amenity of the area.

9 Notwithstanding the details submitted and prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to, and approved in writing by the Local Planning Authority. The CMP shall include and specify the provision to be made for site procedures to be adopted during the course of construction, including:
- overall strategy for managing environmental impacts which arise;
- measures to control the emission of dust and dirt;
- control of noise emanating from the site;
- hours of construction work;
- contractors compounds, material storage and other storage arrangements, cranes, and plant, equipment and related temporary infrastructure;
- designation, layout and design of construction access and egress points to minimise disruption or access for existing residents and new residents of the development;
- internal site circulation routes;
- directional signage (on and off site);
- provision for emergency vehicles;
- provision for all site operatives, visitors and construction vehicles loading and unloading plant and material;
- provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- routing agreement for construction traffic and limits on deliveries to the site during peak school times;
- storage of plant and materials used in construction;
- enclosure of phase or development parcel development sites and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
- soil stockpiling and material crushing and sorting, control of dust and other emissions, construction noise and vibration from the development.

The provisions of the CMP shall cause minimum disturbance in the surrounding area. Construction of development shall proceed in accordance with the CMP and the approved measures shall be retained for the duration of the construction works.
Reason: To maintain the amenities of the area in accordance with the NPPF.
10 The details to be submitted for approval in writing by the Local Planning Authority relating to condition 1 above shall include a comprehensive landscaping scheme for the site, including an implementation schedule, all hard and soft landscaping, existing and proposed contours of the land, use of materials, street furniture and details of any additional natural boundary screening to be planted. Landscaping shall thereafter be provided in accordance with the details so approved. It is expected native species, traditionally found in the locality shall be used.
Reason: To ensure a reasonable standard of development and visual amenity for the area.

11 The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include drawings showing the slab levels and finished floor levels of the dwellings in relation to the existing and proposed ground levels of the site, the ground levels of the surrounding land and the slab and finished floor levels of the surrounding properties as well as identifying the proposed ridge height levels (not to exceed two storeys in height) and the ridge heights of all neighbouring properties. The development shall thereafter be constructed in accordance with the details so approved in writing by the local planning authority.
Reason: For the avoidance of doubt and to ensure a satisfactory form of development in relation to neighbouring land and buildings and the street scene.

12 Any application(s) for approval of reserved matters shall include a detailed acoustic assessment and mitigation scheme. The detailed acoustic assessment must:
   a) Identify, quantify and qualify the noise exposure to dwellings likely to experience noise for the substation
   b) Identify any necessary mitigation measures that are no less effective than those specified in ‘LFA SUPPLEMENTARY NOISE ASSESSMENT - PROPOSED RESIDENTIAL DEVELOPMENT ON LAND OFF NICHOLAS ROAD IRTHLINGBOROUGH’, dated September 2018.
   c) Provide detailed specifications for acoustic glazing, barriers or other mitigation measures as per (b) above.
All mitigation identified by (a) – (c) above shall be implemented prior to the first occupation of the relevant dwellings hereby approved, and shall be maintained for the life time of the development.
Reason: To ensure that the amenities of future occupiers are protected.

13 No development shall take place until a scheme and timetable detailing the provision of two fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.
Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

14 Notwithstanding the submitted details, no occupation of dwellings shall take place until details have been submitted to and approved in writing by the Local Planning Authority which demonstrate the following sustainability measures for the new buildings:
   a) Electric vehicle charging points (at least one per dwelling);
   b) Measures to limit water use to no more than 105 litres / person / day / and
total water use of no more than 5 litres / person / day.
   c) Minimum standards for gas fired boilers.
   d) 2 x ‘Megarider’ bus tickets for each household for the first 6 months of their
occupation.
Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of each respective property.
Reason: In the interests of sustainability and to mitigate the impacts upon air quality in the vicinity.

15 No dwelling shall be occupied until the proposed vehicle and pedestrian access point as identified on drawing number 22115_03_020_002A has been implemented in accordance with details and a timetable to be submitted to and approved in writing by the Local Planning Authority. The access points shall thereafter be retained and maintained in perpetuity.
Reason: In the interests of highway safety and to ensure that the development is acceptable in terms of connectivity and permeability.

16 The development must be carried out in accordance with the submitted flood risk assessment (FRA) (ref 22115/05-17/4570 Rev d) dated December 2018 and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 38.09 metres above Ordnance Datum (AOD).
Reason: To reduce the risk of flooding to the proposed development and future occupiers.

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

18 Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.
Reason: In the interests of residential amenity, highway safety and visual amenity.

19 There shall be no burning of any material during construction, demolition or site preparation works.
Reason: To minimise the threat of pollution and disturbance to local amenity.

20 The development hereby permitted shall be carried out in accordance with and implement the recommendations set out in the submitted Extended Phase 1 Habitat Survey (dated August 2016), Reptile Survey (dated September 2016).
Reason: In the interests of preserving and enhancing local wildlife.

21 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:
a) A Phase I desk study carried out by a competent person to identify and 
evaluate all potential sources of contamination and the impacts on land 
and/or controlled waters, relevant to the site. The desk study shall establish 
a 'conceptual model' of the site and identify all plausible pollutant linkages. 
Furthermore, the assessment shall set objectives for intrusive site 
investigation works/ Quantitative Risk Assessment (or state if none 
required). Two full copies of the desk study and a non-technical summary 
shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise 
the nature and extent of any land contamination and/or pollution of 
controlled waters. It shall specifically include a risk assessment that adopts 
the Source-Pathway-Receptor principle and takes into account the sites 
existing status and proposed new use. Two full copies of the site 
investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency’s 'Model 
Procedures for the Management of Land Contamination, CLR11'.
Reason: To ensure potential risks arising from previous site uses have been fully 
assessed.

22 Where the risk assessment identifies any unacceptable risk or risks, an appraisal 
of remedial options and proposal of the preferred option to deal with land 
contamination and/or pollution of controlled waters affecting the site shall be 
submitted to and approved by the LPA. No works, other than investigative works, 
shall be carried out on the site prior to receipt and written approval of the preferred 
remedial option by the LPA.

This must be conducted in accordance with DEFRA and the Environment Agency’s 
'Model procedures for the Management of Land Contamination, CLR11'.
Reason: To ensure the proposed remediation plan is appropriate.

23 Remediation of the site shall be carried out in accordance with the approved 
remedial option. No deviation shall be made from this scheme without the express 
written agreement of the LPA.
Reason: To ensure site remediation is carried out to the agreed protocol.

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

25 If, during development, contamination not previously considered is identified, then 
the LPA shall be notified immediately and no further work shall be carried out until 
a method statement detailing a scheme for dealing with the suspect contamination 
has been submitted to and agreed in writing with the LPA.
Reason: To ensure all contamination within the site is dealt with.
26 Before construction commences a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the local planning authority for approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details of the scheme shall include:

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

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.

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

Reason: To 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.

28 No occupation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority prior to occupation of the site based on the approved Flood Risk Assessment rev C ref 22115/05-17/4570 rev D prepared by MEC dated December 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.

29 The details required to be submitted by condition 1 above shall include adequate parking provision to serve the existing neighbouring dwelling at 2 Nicholas Road within the application site.

Reason: In the interests of highway safety and to ensure adequate parking for existing properties.

30 The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 above shall include details of a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP) and a maintenance schedule for the written approval of the Local Planning Authority. The approved LEAP and LAP shall have been installed in accordance with the approved details and to the satisfaction of the Local Planning Authority, prior to the occupation of the 25th dwelling. The LEAP and LAP shall be retained and maintained in accordance with the approved details in perpetuity.

Reason: In the interests of residential amenity.
31 The following design principles (as shown on the indicative masterplan) as are agreed as part of this outline planning application and shall be taken forward and incorporated to the design of any subsequent related reserved matters application:

- The number of units accommodated on the site is limited to 106
- Public Open Space to the eastern side of the application site
- Retain a view from Nicholas Road along the main access road to the Nene Valley to the east
- The existing footpaths within the site must be accommodated as part of the layout
- The built edge of the development along the eastern side must be no closer to the River Nene than that shown on the indicative masterplan.

Any reasonable adjustments to the details noted above in comparison to that shown on the indicative masterplan would need to be agreed as part of the reserved matters application.

**Reason:** To ensure a high quality development.

32 For the avoidance of doubt, this decision relates to the following approved plans:

RDC November 2018 (Location Plan)
22115_03_020_002A (Access Layout)
6393/LP/ASP2A (Rights of Way Linkage)
RDC Existing and Proposed Rights of Way
RDC Indicitive Parking Layout
RDC Opportunities and Constraints
RDC Site and Street Sections
RDC Indicative Masterplan
6393/LSP/ASP1 Rev A (Landscape Strategy)
6393/LSP/ASP2 Rev A (PROW linkages plan)
6393.CS.04 (Indicative attenuation basin cross section)
22115/05/17/4730/Rev B (Phase 1 Environmental Report)
22115/05/17/4679/Rev C (Transport Assessment)
22115/05/17/4678/Rev D

Received on 17.01.19

SUMO10855 (Geophysics Report)
ULAS 2016-174 (Archaeology DBA)
ULAS 2017- 185 (Archaeology field Evaluation Report)
101765EC1R1 (Extended Phase 1 Habitat Survey)
101765EC2R0 (Reptile Survey)

Received on 08.05.18.

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

1 NPPF

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. There has been ongoing dialogue with the applicant and their agent to resolve issues and to reach a positive recommendation on the application.

2 Fire and Rescue

Please refer to the Northamptonshire Fire and Rescue Service planning guide for details in relation to fire safety when preparing any application for reserved matters approval. With reference to the relevant fire hydrant condition, the developer will be expected to meet the full costs of supplying and installing the fire hydrants, sprinkler system and associated infrastructure.

3 Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (4) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
4 Broadband:

Early registration of development sites is key to making sure the people moving into your developments get a fibre based broadband service when they move in. More information can be found in the links below:

BTOpenreach:
https://www.ournetwork.openreach.co.uk/property-development.aspx
Virgin Media:

There are also other providers may also be able to connect your development:
http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx.

It is advised that ducting works are carried out in co-operation with the installations of standard utility works. Any works carried out should be compliant with the Manual of Contract Documents for Highway Works- specifically Volume 1 Specification Series 500 Drainage and Ducts, and Volume 3 Highway Construction Details Section 1 – I Series Underground Cable Ducts (found at http://www.dft.gov.uk/ha/standards/mchw/index.htm).

For further information on the project please visit www.superfastnorthamptonshire.net or contact: bigidea@northamptonshire.gov.uk

5 Conditions:

Please note that an application is required to formally discharge any pre-commencement conditions which are attached to this permission. This could take up to 8 weeks and would incur a fee. Further information can be found at www.east-northamptonshire.gov.uk

The details pursuant to any pre-commencement conditions are required prior to any development taking place on site because they are critical to the material considerations of the scheme. The development would not be acceptable without these details first being approved.

6 Parking:

Please note that any future application that seeks approval of the proposed layout, should include sufficient parking spaces for both residents and visitors to the site, in accordance with Northamptonshire Highways Parking Standards document, or any such document which replaces it. It is also advised that tandem parking should be avoided as this is unlikely to be supported.

7 National Space Standards:

Please note that any future application that seeks approval of the proposed layout shall demonstrate how the development complies with the National Space Standards as required by Policy 30 of the North Northamptonshire Joint Core Strategy.
8 **Environmental Permitting Regulations – Flood Risk Activity:**

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated ‘main rivers’. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits

9 **Foul Water:**

An adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water within proposed phasing of development.
### Appendix 1: Developer Contribution Schedule

<table>
<thead>
<tr>
<th>Developer contributions set out in SPD/requested by consultees</th>
<th>Proposed by applicant</th>
<th>Agreed Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Early Years</strong></td>
<td>As requested</td>
<td>As per request. A total figure is not available at this stage as the exact mix is not known.</td>
</tr>
<tr>
<td>1 bed- £0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed units- £3,724</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed units- £3,972</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 bed+ units- £4,220</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2 Primary Education</strong></td>
<td>As requested</td>
<td>As per request. A total figure is not available at this stage as the exact mix is not known.</td>
</tr>
<tr>
<td>1 bed- £0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed- £1,614</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed- £3,972</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+bed- £4,592</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3 Secondary Education</strong></td>
<td>As requested</td>
<td>As per request. A total figure is not available at this stage as the exact mix is not known.</td>
</tr>
<tr>
<td>1 bed- £0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed- £1,170</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed- £4,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+bed- £5,941</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4 Library</strong></td>
<td>As requested</td>
<td>As per request. A total figure is not available at this stage as the exact mix is not known.</td>
</tr>
<tr>
<td>1 bed- £109</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bed- £176</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 bed- £239</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4+ bed- £270</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>5 Affordable Housing</strong></td>
<td>As requested</td>
<td>As per request</td>
</tr>
<tr>
<td>JCS Policy 30 sets 30%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6 Open Space

Open Space SPD sets a requirement for:
- Amenity Green Space: 1520 m²
- Natural/semi-Natural: 3302 m²
- Children/Young People: 254 m²
- Total open space requirement 5,076 m²
- LEAP
- LAP
- Ongoing maintenance of all public open space/play area

Applicant proposes:
- Open Space of 4010m² (including attenuation basin)
- LEAP
- Open space/LEAP maintenance by a management company

Open space as proposed plus maintenance. Play provision to be conditioned.

7 SPA Mitigation

SPA SPD
£269.44 per dwelling

As per SPD £269.44 per dwelling

8 Health (GP Premises Development)

Request by NHS
£794.92 per dwelling

As requested As per request

9 Fire and Rescue

2 x hydrants

As requested As per request (to be conditioned)

Note – contributions may be indexed linked, therefore actual sums required may vary.
Appendix 2 - Habitat Regulation Assessment

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

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

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>18/00945/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application address:</td>
<td>Land Rear of</td>
</tr>
<tr>
<td></td>
<td>Nicholas Road</td>
</tr>
<tr>
<td></td>
<td>Irthlingborough</td>
</tr>
<tr>
<td></td>
<td>Northamptonshire</td>
</tr>
<tr>
<td>Application description:</td>
<td>Outline: Residential development with public open space and associated infrastructure. Means of access from Nicholas Road. (All matters reserved except access) (resubmission of 17/00969/OUT)</td>
</tr>
<tr>
<td>Status of Application:</td>
<td>Pending consideration</td>
</tr>
<tr>
<td>Proximity to SPA:</td>
<td>Within 3km</td>
</tr>
</tbody>
</table>

Lead Planning Officer: Amie Baxter

Stage 1 - details of the plan or project

<table>
<thead>
<tr>
<th>European site potentially impacted by planning application, plan or project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is the planning application, project or plan directly connected with or necessary to the</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
</tr>
</tbody>
</table>
management of the site (if yes, Applicant should have provided details)?

Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?

YES, The HRA for the North Northamptonshire Joint Core Strategy assessed the in-combination effect of residential development within a 3km catchment of the SPA and concluded that such development would have an adverse effect on its integrity of the SPA unless avoidance and mitigation measures are in place.

Stage 2 - HRA screening assessment

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

Conclusion on the need for a full Habitats Regulations Assessment (Appropriate Assessment) (has evidence shown there is a need for a full HRA?) Yes

The application is for development resulting in a net gain in residential units within 3km (linear distance) of the SPA. The HRA for the North Northamptonshire Joint Core Strategy identified that the 'in-combination' impact of proposals involving a net increase of one or more dwellings will have an adverse effect on the integrity of the SPA unless avoidance and mitigation measures are in place; therefore a contribution from each new dwelling is required to meet the Regulations.

The ruling by the Court of Justice of the European Union on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17) requires development relying on mitigation to no longer be considered at the screening stage but taken forward and considered at the appropriate assessment stage. Therefore as the application requires mitigation it will need to be considered at the appropriate assessment stage.

(If yes, continue to Stage 3; if no, continue to Stage 4).

Stage 3 - HRA – Appropriate Assessment

Test 2: the integrity test – If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.
A mitigation strategy has been proposed to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA. This SPA Mitigation Strategy has been assessed by Natural England and is considered appropriate by, amongst other things, reducing the adverse impact of people visiting the SPA through specific measures and monitoring.

The applicant is therefore providing adequate mitigation to suitably avoid harm to the SPA.

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

Conclusion:

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

It is considered that if there are satisfactory mitigating measures put into place the development would be considered to be acceptable. Adequate mitigation measures are proposed as part of the submitted SPA Mitigation Strategy.

Natural England Officer:

Summary of Natural England’s (NE) comments:

Comments received 07.02.19: No objection.

- Pleased to see indicative masterplan includes mitigation funding and a new pedestrian footbridge over the River Nene to be provided as part of the SPA mitigation package. The position should be agreed with Wildlife Trust.
- Encouraged by the commitment from developer to pay for new fencing and gate (annotation B on plan) to deter pedestrians from walking south on the eastern side of the back channel watercourse.
Case Officer  Dean Wishart  19/01092/FUL

Date received 18.06.2019  Date valid 18.06.2019  Overall Expiry 08.10.2019  Ward Rushden Spencer  Parish Rushden

Applicant  Anonymous Ltd

Agent  Mr M Sherwood - Quod

Location  Land West of Rushden Lakes Ditchford Lane Rushden Northamptonshire

Proposal  Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)

This application is reported to the Planning Management Committee in accordance with Part A, 1(a), D of East Northamptonshire Council's Scheme of Delegation (2019). The application is accompanied by an Environmental Statement (ES) as it represents Environmental Impact Assessment (EIA) development.

1  Summary of Recommendation
1.1  That planning permission be REFUSED.

2  The Proposal

2.1  This is a hybrid application for a mixed-use development on land to the north of the A45 and between Ditchford Lane and Rushden Lakes. The development would include, and would be served by a new link road (which would also include a shared foot and cycle path) between Ditchford Lane and Rushden Lakes. New parking areas, footpath routes and public realm would be created. New landscaping and surface water attenuation areas would also be provided.

2.2  A total of 14 new planning units would be created, 13 of which are being applied for in detail. Unit 5, which is proposed to be Class B1(c) or B2, is being applied for in outline.

2.3  The application proposes the following uses:

- Class A1 – Shops
- Class A3 – Restaurants and cafes
- Class B1(a) – Offices
- Class B1(c) – Light industry appropriate in a residential area
- Class B2 – General industrial
2.4 The schedule of proposed uses per unit, and division of floor space is shown below. For the avoidance of doubt, there are no units 1 or 2. These units were present on the previous application (18/01197/FUL – albeit in a different location), which was withdrawn, but have been omitted from this application. The schedule and plans start at unit 3.

<table>
<thead>
<tr>
<th>Use</th>
<th>Ground m² GIA</th>
<th>Mezzanine m² GIA</th>
<th>Unit(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A1</td>
<td>1,294*</td>
<td>0</td>
<td>7 (non-food), 6a and 8 (food)</td>
</tr>
<tr>
<td>Class A3</td>
<td>464</td>
<td>0</td>
<td>9 and 13</td>
</tr>
<tr>
<td>Class B1[a)</td>
<td>0</td>
<td>294</td>
<td>6b</td>
</tr>
<tr>
<td>Class B1[c]/B2 (maximum)</td>
<td>2,809</td>
<td>0</td>
<td>3,4,5,10,12</td>
</tr>
<tr>
<td>Class D1/D2</td>
<td>371</td>
<td>264</td>
<td>6c, 11, 14</td>
</tr>
<tr>
<td>Ancillary/Servicing Areas</td>
<td>110</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Total (maximum)</td>
<td></td>
<td></td>
<td>5,606</td>
</tr>
</tbody>
</table>

*A1 Food – 922m² GIA. A1 Non Food – 372m² GIA. Fashion floorspace limited to 372m² GIA

2.5 This is a revised proposal following the withdrawal of the previous application (18/01197/FUL). The previous scheme (18/01197/FUL) proposed considerably more overall floor space (11,903 sqm) than is now being applied for (5,606 sqm). There would also have been more planning units (29 versus 14 in this application) and more Class A1 retail space (up to 9,748 sqm versus 1,294 sqm in this application).

2.6 This application proposes fewer buildings, less parking, two fewer access points onto the link road, and more areas of soft landscaping.

2.7 A separate planning permission exists for a link road between Ditchford Lane and Rushden Lakes (ref: 18/000004/FUL – granted 8.2.19). For the avoidance of doubt, the link road proposed as part of this application would be instead of, not in addition to the link road already permitted.

Made in Northamptonshire

2.8 A key component of the proposals is the Made in Northamptonshire (MIN) building that would comprise three separate units (6a, 6b, 6c), with Class A1 (food) at ground level and office (Class B1a) and Class D1/D2 uses at mezzanine level. The Class D1/D2 floor space (unit 6c) relates to the potential to accommodate a physiotherapy/strength conditioner use including treatment rooms and an associated studio area.
2.9 MIN is described in the application documents as being:

"a co-operative set up in 2011 by The Mallows Company to support local food and drink producers, retailers and hospitality businesses with the aim of promoting the best that the county has to offer"

The planning statement submitted with the application states that:

"the MIN building especially has been specifically designed to provide cooperative members with a hub from which to exhibit, promote and sell local produce. The layout and character of the central units has been designed to attract smaller scale retailers, leisure/community uses, food and drink providers and start-up employment units that spill out onto the adjacent external spaces".

3 The Site and Surroundings

3.1 The site is located primarily on countryside land between Ditchford Lane and Rushden Lakes, close to the A45 on the north-western edge of Rushden. The site is 11.07 hectares in area and predominately comprises agricultural land. Part of the site to the north-east falls within the existing permitted Rushden Lakes retail and leisure development.

3.2 The site is bounded to the east by the existing Rushden Lakes retail and leisure development; to the west by Ditchford Lane; to the south by agricultural land and the A45 service station, beyond which is the A45; and to the north by a railway embankment and agricultural land beyond which is the Ditchford Reserve Local Wildlife Site (LWS) and Special Protection Area (SPA).

4 Policy Considerations

4.1 National Policy and Guidance
National Planning Practice Guidance (NPPG)
National Design Guide (NDG)

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1 - Presumption in Favour of Sustainable Development
Policy 2 - Historic Environment
Policy 3 - Landscape Character
Policy 4 - Biodiversity and Geodiversity
Policy 5 - Water Environment, Resources and Flood Risk Management
Policy 6 - Development on Brownfield Land and Land Affected by Contamination
Policy 7 - Community Services and Facilities
Policy 8 - North Northamptonshire Place Shaping Principles
Policy 9 - Sustainable Buildings
Policy 10 - Provision of Infrastructure
Policy 11 - The Network of Urban and Rural Areas
Policy 12 - Town Centres and Town Centre Uses
Policy 15 - Well Connected Towns, Villages and Neighbourhoods
Policy 18 - HGV Parking
Policy 19 - The Delivery of Green Infrastructure
Policy 20 - Nene and Ise Valleys
Policy 22 - Delivering Economic Prosperity
Policy 23 - Distribution of New Jobs
4.3 **Rushden Neighbourhood Plan (RNP) (Made Version) (2018)**
- Policy EN1 - Design in Development
- Policy EN2 - Landscaping in Development
- Policy EN4 - Public Realm
- Policy T1 - Development Generating a Transport Impact
- Policy T2 - Car Park Provision
- Policy EJ2 - New Employment Floorspace

4.4 **Supplementary Planning Guidance / Documents (SPG/SPD):**
- North Northamptonshire Sustainable Design SPD, 2009
- Trees and Landscape SPD, 2013
- Biodiversity SPD for Northamptonshire, 2016
- Developer Contributions SPD, 2006
- Upper Nene Valley Gravel Pits Special Protection Area SPD, 2016
- Planning Out Crime in Northamptonshire SPG, 2003
- East Northamptonshire Council - Open Space Supplementary Planning Document, 2011

4.5 **Other Policies / Guidance**
- Northamptonshire County Council Planning Obligations Framework and Guidance
- Northamptonshire County Council Highways Parking Standards, 2016
- East Northamptonshire Council Tree Management Guidance and Principles, 2018
- Emerging East Northamptonshire Local Plan Part 2
- Northamptonshire Environmental Character Assessment and Key Issues

5 **Relevant Planning History**

5.1 18/00004/FUL - Construction of a new link road between Ditchford Lane and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works – PERMITTED 8.2.19.

5.2 18/01197/FUL - Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units and retail units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works – WITHDRAWN 18.6.19.

5.3 Adjacent to the application site, the Rushden Lakes retail and leisure development has an extensive planning history.

6 **Consultations and Representations**

6.1 Where consultees have responded more than once, the most recent response is shown last. Responses may be summarised and some signpost to appendices.

6.2 **Local Community** – No representations received.
6.3 Rushden Town Council

Comments received 9.8.19 – *Raises concerns and requests Section 106 contributions.* See Appendix 2.1 for full response.

6.4 Irthlingborough Town Council

Comments received 11.7.19 – *No objection but raises concerns and requests involvement in Section 106 discussions.* See Appendix 2.2 for full response.

6.5 Higham Ferrers Town Council

Comments received 1.8.19 – *Comments and concerns. Requests involvement in Section 106 discussions.* See Appendix 2.3 for full response.

6.6 Kettering Borough Council

Comments received 23.7.19 – *Objection.* See Appendix 2.4 for full response.

6.7 Northampton Borough Council

Comments received 1.8.19 – *Objection.* See Appendix 2.5 for full response.

6.8 Borough Council of Wellingborough

Comments received 22.8.19 – *Objection.* See Appendix 2.6 for full response.

6.9 Peterborough City Council

Comments received 11.7.19 – *No comments.* See Appendix 2.7 for full response.

6.10 Bedford Borough Council

Comments received 1.8.19 – *No objection.* See Appendix 2.8 for full response.

6.11 Secretary of State – Planning Casework Unit

Comments received 5.7.19 – *No comments on Environmental Statement.* See Appendix 2.9 for full response.

6.12 Highways England

Comments received 17.7.19 – *No objection subject to conditions.* See Appendix 2.10 for full response.

6.13 Northamptonshire Police – Crime Prevention Design Advisor

Comments received 31.7.19 – *Raises concerns.* See Appendix 2.11 for full response.

6.14 Natural England

Comments received 1.8.19 – *Further information required.* See Appendix 2.12 for full response.
Following officer dialogue (verbal) – Further information can be secured via pre-commencement conditions.

6.15 Commission for Dark Skies (CFDS)

Comments received 24.7.19 – No objection subject to condition. See Appendix 2.13 for full response.

6.16 Environment Agency

Comments received 24.7.19 – No objection subject to condition. See Appendix 2.14 for full response.

6.17 The Wildlife Trusts (WT) – Bedfordshire / Cambridgeshire / Northamptonshire

Comments received 16.8.19 – Further survey work requested and mitigation required.

Additional comments received 20.8.19 – Additional mitigation recommended.

Additional comments received 16.9.19 (following receipt of additional information submitted directly to WT) – Now satisfied with survey work. Mitigation required.

See Appendix 2.15 for full responses.

6.18 Western Power Distribution

Comments received 4.7.19 – No objection. See Appendix 2.16 for full response.

6.19 BPA – Total Fina Pipeline

Comments received 5.7.19 – Not in zone of interest. See Appendix 2.17 for full response.

6.20 Cadent Gas

Comments received 25.7.19 – No objection, informative requested. See Appendix 2.18 for full response.

6.21 Williams Gallagher on behalf of Eiandi LLP (Kettering Town Centre Owners)

Comments received 27.8.19 – Objection. See Appendix 2.19 for full response.

6.22 Firstplan on behalf of Waitrose Ltd

Comments received 16.7.19 – Raises concerns relating to traffic impact. See Appendix 2.20 for full response.

6.23 Northamptonshire Badger Group

Comments received 6.7.19 – Pre-commencement survey requested.

Further comments received 17.9.19 – Clarification that survey can be a pre-commencement condition.

See Appendix 2.21 for full responses.
6.24 **North Northamptonshire Joint Planning and Delivery Unit**

*Comments received 20.9.19 – Objection.* See Appendix 2.22 for full response.

6.25 **Anglian Water**

*Comments received 25.7.19 – No objection. Provides informatives to be passed onto the applicant.* See Appendix 2.23 for full response.

6.26 **Northamptonshire Fire and Rescue**

*Comments received 2.7.19 – No comments.* See Appendix 2.24 for full response.

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

*Comments received 11.7.19 – No objection – conditions requested.* See Appendix 2.25 for full response.

6.28 **Northamptonshire County Council – Ecology**

No representations received.

6.29 **Northamptonshire County Council - Local Highway Authority (LHA)**

*Comments received 22.7.19 – Objection.* See Appendix 2.26 for full response.

6.30 **Northamptonshire County Council - Key Services**

*Comments received 24.7.19 – Request hydrant condition and broadband informative.* See Appendix 2.27 for full response.

6.31 **Northamptonshire County Council – Archaeology**

*Comments received 19.7.19 – No objection subject to condition.* See Appendix 2.28 for full response.

6.32 **East Northamptonshire Council - Environmental Protection Officer (Contamination)**

*Comments received 28.8.19 – Conditions required.* See Appendix 2.29 for full response.

6.33 **East Northamptonshire Council - Environmental Protection Officer (Air Quality)**

*Comments received 31.7.19 – No objection subject to conditions or equivalent mitigation.* See Appendix 2.30 for full response.

6.34 **East Northamptonshire Council – Noise**

*Comments received 31.7.19 – No objection subject to conditions.* See Appendix 2.31 for full response.

6.35 **East Northamptonshire Council – Senior Tree and Landscape Officer**

*Comments received 26.7.19 – No objection.* See Appendix 2.32 for full response.
6.36 East Northamptonshire Council – Retail Consultant (Planning Prospects)

Comments received 10.9.19 – Sequential and retail impacts are acceptable. See Appendix 2.33 for full response.

6.37 East Northamptonshire Council – Planning Policy

Comments received 3.9.19 – Information provided on status of land allocation and representation by Quod.

See Appendix 2.34 for full response.

6.38 East Northamptonshire Council – Landscape and Visual Impact Consultant (Iain Reid)

Comments received 4.11.19 – The proposals would give rise to some degree of adverse landscape effects and also to a number of significant and adverse visual effects.

See Appendix 2.35 for full response.

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.

Introduction and Policy Context

7.2 The principle of development, visual impact, retail impact, impacts on local infrastructure, and protected assets, which in this case include the Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) are key matters relevant to the determination of this application. In general terms, the NPPF promotes a presumption in favour of sustainable development.

7.3 Rushden is identified in the adopted JCS (2016) as one of four growth towns within North Northamptonshire. It also has an adopted Neighbourhood Plan (2018) and the application site is within the ‘Designated Neighbourhood Area’ as shown on the associated policies map.

7.4 A small section of the site to the north east falls within the Rushden Lakes development (car park) but the majority of the site itself is currently agricultural, countryside land, with no identified or adopted planning policies for development. The approved link road between Ditchford Lane and Rushden Lakes (18/00004/FUL) is within the application site boundary, but no construction has yet commenced.

Principle of Development

7.5 The principle of developing some of the application site for a link road between Ditchford Road and Rushden Lakes ("the link road") has been established through the grant of planning permission 18/00004/FUL (permitted 8.2.19).

7.6 The remainder of the site, with the exception of the small section already within Rushden Lakes, does not benefit from any allocation or specific policy in the Development Plan. If the proposal is accepted, the link road would then serve an additional purpose (Rushden Living) and would result in the loss of countryside / agricultural land.
7.7 For context, and with regard to the link road permission, the conclusion in the Planning Management Committee report (12.9.18) stated the following:

“In conclusion and on balance, the recommendation is that the application should be approved. To date, Rushden Lakes has generated more vehicular traffic than envisaged and it is not yet fully built out. Once the leisure complex and Garden Square are open, it is likely that traffic will increase further. On that basis, a second access into Rushden Lakes not only seems sensible, but in reality will be vital. It should alleviate some of the congestion at the A45 Skew Bridge roundabout, but is likely to create more congestion elsewhere.

On the grounds of highway convenience rather than safety, there is some scepticism as to whether the proposed link road and improvements to the A45 slip road / Ditchford Road will be a success. The layout is also somewhat disjointed. What is clear though is that a second point of access to Rushden Lakes would represent an improvement over the current arrangements. The proposal before us is not perfect, but would represent an improvement and would also offer better connectivity to both Rushden and Wellingborough for motorists, pedestrians and cyclists.

The County Council Highways team are satisfied with the proposal in highway safety terms and it is anticipated that Highways England will remove their objection once they have assessed the latest plans.

Subject to a range of conditions to control matters raised by consultees, the design and layout are, on balance, considered to be acceptable, and to outweigh the loss of agricultural land/countryside in this case.”

7.8 The Planning Policy team are currently working on the Local Plan Part 2 (LP2) and have highlighted that a representation has been made by the applicant’s agent to have this site included as part of a wider allocation for a mix of uses for “Land to the West of Rushden Lakes”.

7.9 There has also recently been a consultation exhibition at Rushden Lakes by the Crown Estate (which owns the Rushden Lake complex) to gauge public opinion / views on how land to the west of Rushden Lakes might be developed.

7.10 Consideration of the LP2 representation is ongoing by the Planning Policy team, but at the time of writing, the site is not included in the draft LP2 document. The document is not at an advanced stage and accordingly does not yet carry significant weight in the decision making process.

7.11 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

7.12 Paragraph 85 – Seeks to support the role that town centres play at the heart of local communities and to promote their long term vitality and viability.

7.13 Paragraph 86 – requires a sequential test for applications for town centre uses not in an existing centre and not in accordance with an up-to-date Local Plan.
Paragraph 89 – requires an impact assessment if the development is over a proportionate, locally set floorspace threshold or, if no threshold, 2,500sqm.

Adopted Policy 12 of the Joint Core Strategy (JCS) – Town Centres and Town Centre Uses. Criterion d) of this policy states that:

"The vitality and viability of the town centres in North Northamptonshire will be supported by...

Adapting and diversifying Wellingborough and Rushden town centres to operate successfully alongside the permitted out of centre retail and leisure development at Rushden Lakes, which will provide up to 32,511sqm net retail sales area serving growing communities in the southern area"

There is a clear distinction to be made between the principle of development in policy terms, and the retail impact. The retail impact section (Para 7.46 onward) discusses the latter issue in further detail.

With regard to the principle of development and policy matters, the JPDU has objected to the proposal. This is on the basis that the proposal involves a significant development of main town-centre uses in an out-of-centre location. They consider that the impacts of the implemented Rushden Lakes scheme should be monitored in accordance with the JCS (para 5.34) before further expansion is considered. They go on to state that this should include a review of the actual impacts of the implemented scheme against the impacts forecast at the planning application stage.

Officers agree with these JPDU comments. It would be ideal to have this data as part of the current application, but Rushden Lakes is only now nearing completion and full occupation, so it will not be available. Accordingly the application must be determined on the basis of the information available to the council, and for this reason specialist retail advice has been sought.

The emphasis of JCS Policy 12 is on supporting the vitality and viability of the town centres, including adapting and diversifying the town centres of Wellingborough and Rushden to operate successfully alongside the committed Rushden Lakes development. This is consistent with the NPPF and outcome 9 of the JCS, which seeks stronger, more self-reliant towns with thriving centres. The proposal, whether harmful in retail terms or not, would conflict with this policy, and would reduce the ability of neighbouring centres to adapt and diversify. Kettering and Northampton councils have picked up on this as part of their objections, highlighting that the MIN element could fit into their town centres.

With regard to other key policies, JCS Policy 11 relates to the network of urban and rural areas, with an emphasis on strengthening the network of settlements according to their role. Rushden is a growth town, where the focus is upon providing infrastructure, investment and higher order facilities to support major employment, housing retail and leisure development.

JCS Policy 22 relates to economic prosperity and refers to tourism in North Northamptonshire, whilst policy 23 refers to the distribution of new jobs amongst the four districts. Other development plan policies relate to specific material considerations such as design, layout, retail / highway impacts and sustainability.

In general terms though, and taking into account the existing consent for the link road, there are no specific development plan policies which promote the development of this site. This will have to be weighed up against the harms and benefits associated with the development.
7.23 In that context the principle of development is not necessarily accepted. It therefore follows that the application should be determined on its material planning merits, and should only be permitted if these outweigh the identified conflict with the development plan.

**Design of Buildings**

7.24 The new buildings would be between one and two storeys in height, and would be finished in a mixture of brick, render and cladding, with louvres and glazing as key features.

7.25 Units 3 and 4 to the west of the car park would be linear and would resemble a section of railway viaduct, with large brick arches, infilled with glazing.

7.26 The Made in Northamptonshire (MIN) building (units 6a, 6b and 6c) would be L-shaped, two storeys in height and would resemble a modern barn. This would be positioned at the entrance to the site.

7.27 Unit 5 is applied for in outline and as such no details of its design have been, or are required to be provided. However the parameters plan for this building shows its maximum footprint and indicates that its maximum height would be approximately the same as units 3 and 4 to the immediate south. Subject to appropriate detailing, this is considered to be acceptable in the context of the other buildings being proposed.

7.28 The other buildings (Units 7-14) would all be single storey with pitched roofs and would be to the east of the main car park and set around an area of hard landscaped public realm.

7.29 With the exception of Unit 5 (the details of which are for consideration at reserved matters stage), the design and appearance of individual buildings is considered to be acceptable, but this does not take into account the countryside and landscape context, where there are concerns. These concerns are expressed further in the next section (Site Layout) of the report.

**Site Layout / Landscape and Visual Impact**

7.30 The link road element of the layout is largely the same as that approved under 18/00004/FUL and is considered to be acceptable. The remainder of the layout however creates issues relating to the wider landscape.

7.31 Rushden Living would be physically detached from Rushden Lakes and would sit on its own to the south of the link road. There would be vehicle, pedestrian and cycle links between the two developments, but the two developments would appear as, and would be likely to operate as separate entities.

7.32 As originally submitted, the layout of the Rushden Living car park was of concern owing to the impractical siting of disabled, parent and child, electric vehicle and cycle parking spaces. The applicant has submitted amended plans which now address these concerns.

7.33 The JPDO have raised the following criticisms of the proposal:

1. **Masterplan Approach** – there is a need to adopt a comprehensive masterplanning approach to the design of the site, in order to demonstrate and assess how the area works as a whole, how the scheme integrates with the existing Rushden Lakes development and how it responds to the immediate context. The location, size and functionality of the proposed public open space is also considered inappropriate for this context (contrary to Policy 8b). An expansive green space located to the corner of the site situated along two inactive boundaries, provides very limited opportunity for activity, movement through the space and
passive surveillance. It also does not/nor does it provide any opportunity to connect into a wider network of green space and the local landscape setting.

2. **Landscape Impact and landscape character** – the proposal is considered to have a negative visual impact on landscape character and does not conserve or enhance the character or qualities of the existing landscape (JCS Policy 3). The development does not relate well to the wider landscape in terms of character and setting, as well as physical connections with the Nene Valley sub-regional corridor (as required by Policy 20). We have not commented on the elements of Policy 20 or Policy 4 in relation to impacts on the Special Protection Area as this will be addressed through the input of Natural England.

3. **Accessibility and connectivity** – the proposal does not provide the opportunity to enhance connections between the two sites (Rushden Lakes and Rushden Living), nor does it prioritise the needs of pedestrians, cyclists and public transport, as required by Policy 8a and b. The potential access point between the two schemes (to the side of the Leisure building) is dominated by a car park and access road with limited opportunity for direct pedestrian/cycle movement between the two schemes.

4. **Character of Development** – the design response (siting of uses, layout, orientation, scale and massing of buildings) has not addressed the wider context (built and natural), views or topography. The proposed scheme is considered inward facing and disconnected from its context.

7.34 It is known that a representation has been made on the Local Plan Part 2 by Quod, the planning agent acting on behalf of LXB (developer of Rushden Lakes) about masterplanning land to the west of Rushden Lakes but the Plan is not yet at an advanced stage and there is currently no draft allocation for this site.

7.35 With regard to landscape impact and character, the proposal would result in the development of an area of open countryside, on the outskirts of Rushden and in a somewhat elevated position relative to its surroundings in parts. Ditchford Lane would be widened and the overall width of the road, including its verges and foot / cycleways, together with the new buildings, car parks and public realm areas would represent a significant amount of hardstanding in this rural location.

7.36 The council’s Senior Tree and Landscape Officer commented positively on the species and how they will support ecology, together with the overall amount of green space. The wider issue, as being raised by the JPDU, is that the proposals do not relate well to the character of the surroundings, thus putting it in conflict with JCS Policy 3.

7.37 A Landscape and Visual Impact Assessment (LVIA) has been submitted by the applicant and the council has sought independent advice on these matters. The council’s consultant concludes as follows:

“Considered against the guidance set out in the Guidelines for Landscape and Visual Impact Assessment – Third Edition, the scope of the LVIA, its methodology and coverage is considered to be comprehensive and coherent, and thus satisfactory. The judgements made in the LVIA in relation to the landscape effects of the proposed development are considered to be reasoned and reasonable, and it is accepted that, save in respect of the landscape effects on the application site itself, that the proposed development would not give rise to any significant landscape effects. In relation to visual effects, it is considered that the LVIA has assessed the likely visual effects comprehensively, reasonably and realistically. The summary position is that the LVIA has identified a limited number of visual receptors that would experience significant and enduring adverse visual effects as a consequence of the proposed development.
The proposed development would give rise to some degree of adverse landscape effects and also to a number of significant and adverse visual effects. It follows therefore that the proposed development would give rise to conflict with certain relevant aspects of Development Plan policy, particularly NNJCS Policy 3 (a), and also to NNJCS Policy 8(d). It is acknowledged that a constituent part of the current planning application – the Ditchford Road Link Road – already has benefit of planning permission, and thus it is necessary to distinguish between those elements of the current proposals that are accepted (the Link Road) and those that are considered to be in conflict (the retail and related development). The proposed development would not conflict with any of the other NNJCS or RNP general policies; given the conflict with NNJCS Policy 3 it also follows that there would be some element of conflict with para 170(b) of the National Planning Policy Framework – but no conflict with other provisions in relation to the intrinsic character and beauty of the countryside.”

7.38 For ease of reference, JCS Policy 3(a) (Landscape Character) states that development should:

“conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design and management”

7.39 JCS Policy 8(d) (North Northamptonshire Place Shaping Principles) states that development should:

“Create a distinctive local character by:

I. Responding to the site’s immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation;

II. Responding to the local topography and the overall form, character and landscape setting of the settlement; and

III. The creative use of the public realm through the use of measures such as incidental play spaces, bespoke street furniture and memorable features.”

7.40 Paragraph 170 of the NPPF (Conserving and enhancing the natural environment) states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

7.41 The JPDU and council’s LVIA consultant are aligned in their landscape concerns and the policy conflicts identified are accepted by officers. Officers already accept that the design of individual buildings will be acceptable, but this in itself does not equate to a wider design and layout which respects and enhances its landscape character, setting and surroundings.

7.42 The development is largely inward facing, is physically detached from Rushden Lakes and has some inconvenient / contrived servicing arrangements. Although new landscaping is proposed in the space between Rushden Living and Lakes, much of it would not serve a practical function or create new desire routes. Accordingly the built form would be viewed in the context of being a standalone development that causes harm to the landscape setting.

7.43 In terms of accessibility and connectivity, it will be possible to walk, cycle or drive between Rushden Lakes and the Rushden Living proposal, but even with improvements to the layout at the entrance to Rushden Lakes (achieved on the previous link road application) the linkages between Rushden Lakes and Rushden Living are still disjointed and impractical, meaning that people are much more likely to drive between the two than they are to walk or cycle.

7.44 The council’s retail consultant has also highlighted the issue of physically divorcing Rushden Lakes from Rushden Living, along with other layout issues, but as these are tackled from a retail perspective, they will be discussed further in the retail section below.

7.45 The applicant has responded to the council’s consultant. They consider that the effects are outweighed by the delivery of the scheme and conclude that the development is acceptable in landscape and visual amenity terms. Officers do not agree with the applicant. The harms identified with regard to landscape / visual impact will need to be weighed up against other policies and considerations. Another key consideration is retail impact and this is discussed in the next section of the report.

Retail Impact

7.46 The application proposes 1,294 square metres of Class A1 retail floor space, split over 3 units on the site. The floor space schedule for the scheme would be as follows:
7.47 This is an out-of-centre, countryside location and as mentioned earlier in the report, there are no specific development plan policies which promote the development of this site. Accordingly the harms / benefits will need to be assessed on their planning merits.

7.48 The following consultees and stakeholders have objected and / or raised concerns with the application owing to a perceived negative retail impact:

- Rushden Town Council
- Higham Ferrers Town Council
- Borough Council of Wellingborough
- Northampton Borough Council
- Ellandi (Newlands Centre owners, Kettering)
- North Northamptonshire Joint Planning and Delivery Unit (JPDU)

7.49 The Secretary of State (SoS) expressed an interest in the previous application following call-in requests from third parties. The SoS has not expressed an interest in this application, but if the Committee is minded to grant permission, the decision would be referred to the SoS owing to the location, type of uses and amount of floor space exceeding 5,000 sqm. The SoS would then decide whether or not to call the application in, as was the case for the original Rushden Lakes permission.

7.50 The NPPF paragraph 85 seeks to support the role that town centres play at the heart of local communities and to promote their long term vitality and viability. Paragraph 86 requires a sequential test for applications for town centre uses not in an existing centre and not in accordance with an up-to-date Local Plan. Paragraph 89 requires an impact assessment if the development is over a proportionate, locally set floorspace threshold or, if no threshold, 2,500sqm. ENC does not have a locally set threshold.

7.51 Policy 12 d) of the JCS states the following:

"The vitality and viability of the town centres in North Northamptonshire will be supported by..."
Adapting and diversifying Wellingborough and Rushden town centres to operate successfully alongside the permitted out of centre retail and leisure development at Rushden Lakes, which will provide up to 32,511sqm net retail sales area serving growing communities in the southern area”

7.52 Rushden Lakes has already exceeded the threshold of 32,511sqm. For context, the scheme which has now been implemented, with the Garden Square development instead of the Terrace A extension of three larger units, has:

- almost twice as many retail units as that in the original (SoS) scheme;
- seven times as many restaurants;
- almost 19% more retail floor space; and
- over 400% more restaurant floor space.

7.53 When considering the significant change to Rushden Lakes as originally permitted, compared to the development in its currently consented form, it is therefore unsurprising that neighbouring authorities and the town councils within East Northamptonshire continue to express concerns about the retail impact, particularly at a time when the retail sector and high streets are struggling.

7.54 Both Northampton and Kettering Borough Councils have cited the negative impact that Rushden Lakes is already having on their respective town centres. As an example, Marks & Spencer have closed down their stores in both towns since the Rushden Lakes store opened.

7.55 Both Northampton and Kettering Borough Councils note that the Made in Northamptonshire model could fit into their town centres (given the level of vacant units) and are concerned that any further expansion of Rushden Lakes will only exacerbate the negative impact upon their respective centres.

7.56 Northampton Borough Council goes further in their response, noting the somewhat contrived layout that would easily allow (in theory) for conversion of more units to retail in the future. They state that the “resulting complex would effectively replicate and resemble a town centre environment in an out-of-centre location to the detriment of the vitality and viability of surrounding town centres”. This issue is also highlighted in the layout section of the report.

7.57 There are criticisms from consultees of the Retail Impact Assessment submitted with the application, for relying on co-location as a reason for satisfying the sequential test, and for being over simplistic in its conclusion on the health of neighbouring towns, in the face of multiple store closures.

7.58 To ensure a robust conclusion on the retail impact of this application, the council has sought specialist independent retail advice. The retail consultant has considered not just the merits of the proposal, but the context of Rushden Lakes and how it has evolved, together with the current Rushden Gateway proposal (application ref: 18/00982/FUL) on a nearby site and the objections and concerns raised by the local councils and Kettering’s Newlands Centre owner.

7.59 Although layout is discussed in the section above, the consultant has identified what he considers to be ‘curious’ aspects from a retail perspective. The comments on this matter are as follows:

“Two aspects of the proposed layout are curious. First, an area south of Unit 14, extending parallel to the A45, is shown as undeveloped and largely without landscaping. The anticipated use of this is unclear, and it appears as a plot that might be promoted for further development or car parking. Second, much of the disabled parking is aligned alongside the proposed...”
employment units to the west. Some disabled spaces would be required here, but the greater concentration would be expected close to the retail and restaurant units. These factors, the general arrangements shown in this (south western) corner of the scheme, and other features such as the inclusion of a broad pedestrian route across the car park to the employment units, imply that conversion or alternative development for retail use would be readily achievable (subject to planning), and indeed this would be consistent with the applicant’s previous aspirations for the site.”

7.60 The internal layout has been improved since these comments were made and the consultant is correct to also state that the applicant’s previous aspirations for the site are not a consideration for the determination of this application. When taken in conjunction with the comments received from Northampton and Kettering Borough Councils in particular though, and given the knowledge of the previous application and known aspirations to have land to the west of Rushden Lakes allocated / developed, it is easy to understand why there is some scepticism from some stakeholders.

7.61 Further to landscape / physical separation concerns between Rushden Living and Lakes raised by the JPDU and council’s LVIA consultant, the retail consultant also draws attention to this point, stating that:

“I am sure you will consider the benefits that might be associated with securing this undeveloped land for recreational, amenity and perhaps ecological purposes as part of your wider assessment, but from a retail and centres perspective it has the effect of tending to separate RL19 (current application) from Rushden Lakes. The built element of the RL19 proposal is much more divorced from Rushden Lakes than was the case with RL (previous application), and as such would tend to operate as more of a freestanding scheme, certainly (considering the distances involved) with less propensity for people to walk between the two.”

7.62 The health check analysis provided within the applicant’s Retail Assessment indicates:

- A significant increase in the number of vacant units in Rushden and a decline in the number of convenience goods outlets, albeit with the number of food and drink outlets holding steady;
- The number of vacant units and food and drink units in Wellingborough holding steady, with a notable increase in the number of convenience goods units;
- Low vacancy rates in Higham Ferrers, Raunds and Irthingborough;
- An increase in the number of vacant units in Kettering such that it has now returned to be comparable with levels reached in the last recession.

7.63 The council’s consultant concludes that this picture is a mixed one and aspects of it (although by no means all of it) are concerning, and reflective of the wider condition in the retail sector and town centres generally.

7.64 The consultant has taken this health check analysis into account and notes that it would certainly be a key consideration in relation to any future proposals which may come forward, particularly larger scale ones.

7.65 With regard to the planning policy position relating to town centres and retail, the council’s consultant comments as follows, with underlining for emphasis:
"In summary then, the Development Plan strategy is one which seeks to strengthen the identified towns as focal points for growth. The regeneration of the town centres is prioritised. The role of Rushden Lakes is acknowledged, but in the context of the then permitted scheme.

In the northern part of the JCS area floorspace requirements (albeit not immediate ones) are identified for Kettering and Corby. For the southern area, including Rushden and Wellingborough, no specific requirement is identified; there, the emphasis for centres is on consolidation, adaptation and operating successfully alongside Rushden Lakes until the implications of that scheme can be understood.

It should immediately be clear that there is a tension between this strategy and the proposals – particularly the RL scheme – being considered here.

The sequential and impact tests are required by both local and national policy."

This is an important point as it draws a clear distinction between the principle of development in policy terms, and the acceptability (or not) of the proposal in sequential and impact terms. The consultant is only advising the council on the retail impacts and not the policy.

Similarly the JPDU in their response have highlighted that:

"It is beyond the JPDU’s remit to comment on the technical detail of retail impact assessments and we note the advice provided by the Council’s retail consultant Planning Prospects in this respect."

The full text of the retail consultant’s response can be found at Appendix 2.33 and he reiterates the cautious view in terms of the acceptability of any further development at Rushden Lakes that he also reached on the Garden Square application.

Ultimately, the consultant’s conclusion is as follows, again with underlining for emphasis:

"I consider that Rushden Living 2019 (RL19) is acceptable in sequential terms. I consider that RL19 is acceptable in impact terms, although I am mindful that aspects of the health of town centres locally are a matter of concern. I consider that RL19 and Rushden Gateway (RG) could both be allowed, in both cases subject to conditions, although that conclusion is a very marginal one. Any future applications for retail development, other than very minor ones, should now be supported by new data, including a new survey and the latest available population and expenditure data. Any such applications should also pay careful regard to up to date health check data in the context of ongoing concerns about the strength of town centres."

At this point it is important to clarify that the very marginal acceptance of the proposal in sequential and impact terms is based on the Rushden Gateway application (18/00982/FUL) also delivering Class A1 floor space as described in their application, and as assessed by the same retail consultant. The Rushden Gateway application has not yet been determined.

In reaching the conclusion that the proposal is acceptable, the consultant goes on to state that planning conditions will be necessary to mitigate the impact, and that these should be on the following grounds:

- Limits on the amounts of comparison, convenience, and A3 floorspace, and the number of such units, to reflect the figures in the application submission;
- Prevention of the sub-division of the A1 and A3 units;
- Restricting use of unit 6a to an operation consistent with the MIN concept;
• Controls to ensure the character of the D1 and D2 activity is of a scale and character consistent with that specified in the submission material;
• Controls on any showroom or trade counter space in the employment units;
• A “no poach” condition, to ensure that retailers do not relocate from neighbouring towns to this site.

7.72 A “no poach” condition has been applied at Rushden Lakes (Garden Square) and, if the Committee is minded to approve the application, it is considered that this should cover the following towns:

- Rushden
- Higham Ferrers
- Irthlingborough
- Wellingborough
- Kettering
- Northampton
- Corby

7.73 It is noted that no objections were received from Corby, but they are one of the four growth towns within North Northamptonshire, and are covered by the same JCS policy document as East Northamptonshire and Policy 12 is clear that it refers to all the town centres in North Northamptonshire. Accordingly it is considered to be reasonable to include them in a “no poach” condition if permission is to be granted.

Highway Matters and Sustainability

7.74 Highway related concerns have been raised by the following consultees and stakeholders:

- Rushden Town Council
- Irthlingborough Town Council
- Higham Ferrers Town Council
- Waitrose (Rushden store)
- Northamptonshire County Council – Local Highway Authority

7.75 The concerns raised primarily relate to the following areas:

- Parking – it is felt that there is not enough being provided here, or at Rushden Lakes;
- Cumulative impact – it is felt that the transport assessment does not adequately take account of other committed and proposed developments in the vicinity (for example Rushden Gateway);
- Impact on local infrastructure – the existing highway network will struggle to cope with extra traffic; and
- The proposed improvements to Ditchford Lane / Northampton Road do not go far enough, meaning that the development would have a significant impact upon the local highway network.

7.76 Northamptonshire County Council is the Local Highway Authority (LHA) with responsibility for non-trunked highways. Highways England (HE) is the body responsible for the strategic road network. This application has impacts on both the local and strategic networks as the A45 is a trunk road.
7.77 Policy 15 of the JCS – Well-Connected Towns, Villages and Neighbourhoods states that:

"Connectivity will be strengthened within and around settlements by managing development and investment to:

a) Improve access from the edge of towns to their centres by focusing activity and investment on the main radial routes and rebalancing design towards pedestrians, cyclists and public transport.

c) Design development to give priority to sustainable means of transport, including measures to contribute towards meeting the modal shift targets in the Northamptonshire Transportation Plan"

7.78 The link road would have bus stops at regular intervals along its route, which would allow for customers and staff to access the site by public transport, providing that new routes are created or if existing services are diverted to run along the new route.

7.79 On the local highway network there would be improvements to Ditchford Lane in that there would be widening and a turning lane created for the new link road. There would also be a new footpath link from the link road to join up with existing paths at the Ditchford Interchange with the A45.

7.80 On the strategic network, improvements would mirror those approved as part of the link road permission, and include widening of the A45 off-slip to two lanes, together with new sections of footpath, improved pedestrian crossing points and other minor alignment and signage works. With regard to the strategic network, HE has raised no objection to the proposal subject to conditions to secure those improvements to the strategic highway network.

7.81 The LHA had objected to the application. They considered the impact on the southern roundabout at Ditchford Interchange adjacent to the A45 on-slip to be unacceptable as no mitigation is proposed and without this, the junction will be over capacity in future years. They had also raised concerns relating to the lack of public transport provision. Cumulatively, the LHA and Officers considered this to be a severe transport impact (in NPPF terms) unless mitigated.

7.82 This is very important in sustainability terms as otherwise the proposal would largely be reliant on customers / employees accessing the site via their cars.

7.83 The applicant has been approached about these matters and has agreed in principle that they can be mitigated through a Section 106 legal agreement. They are also in dialogue with the LHA regarding off-site highway improvements to the Ditchford Interchange to mitigate this impact. Following discussions with the applicant, the LHA has now indicated that they would remove their objection if appropriate mitigation measures can be secured. Any further update to the LHA’s position on the application will be reported to the Committee.

Air Quality and Construction Nuisance

7.84 The Environmental Statement (ES) submitted with the application includes a section on air quality, which concludes that the proposal will be acceptable. Effects resulting from construction will be mitigated by a proposed Construction Environmental Management Plan condition, and post-construction, the development is not predicted to result in any exceedances of accepted standards.
7.85 There are six receptor sites in the vicinity of the application site, all of which have medium to high sensitivity, but the assessment concludes that the significance of residual effects in all cases will be neutral.

7.86 The council’s Environmental Protection team have not objected to the application on the grounds of air quality or construction nuisance.

7.87 Mitigation measures are proposed to encourage sustainable travel and to lower carbon emissions. The proposal includes new bus stops, pedestrian and cycle improvements as well as electric vehicle charging points.

7.88 A development of this scale would inevitably cause some disruption during the construction phase. In the event of an approval, it would be important to agree a Construction Environmental Management Plan (CEMP) as a pre-commencement condition. This would set limits on construction hours, routing arrangements and mitigation against mud and dust.

Crime Prevention

7.89 The Crime Prevention Design Advisor from Northamptonshire Police has raised a range of concerns with the proposal, and recommends that the application is not determined until these have been adequately addressed. In brief, the issues are:

- Site access control both from existing internal routes and the proposed Ditchford Road Link Road. A statement is required to ascertain what measures will be in place to restrict vehicle movement from the east via the existing service delivery road during out of hours periods;
- Security of the service yard, to prevent both unauthorised pedestrian and vehicular access;
- Lack of boundary treatment details;
- Lack of details relating to CCTV / ANPR (Automatic Number Plate Recognition);
- No Crime Impact Statement has been submitted. The statement, when submitted, should include management practices and how the new development ties in with existing measures and procedures.

7.90 It is disappointing that so little regard has been paid to crime prevention matters given that this is a resubmission of a full application and accompanied by an ES. Nevertheless, Officers agree with the applicant that in the event of an approval, suitably worded conditions would adequately mitigate the concerns raised.

Drainage / Flooding

7.91 The application site sits on elevated land relative to the nearby River Nene and associated lakes. It is not within the higher risk flood zones 2 or 3 and the site layout would include a large on-site attenuation pond to the north of the link road. There would also be a series of smaller ponds associated with the landscape proposals, and not linked to the existing river network.

7.92 The Flood Risk Assessment (FRA) demonstrates that the sequential approach to development has been applied, with built development located in Flood Zone 1. The applicant has also included a buffer between the edge of the floodplain and any built development.

7.93 No adverse comments have been received from the Environment Agency, Anglian Water or the Lead Local Flood Authority. In the event of an approval, it would be necessary to impose conditions relating to the following matters:
- Precautionary contamination condition
- Surface water drainage (pre-commencement details)
- Surface water drainage (scheme of ownership and maintenance)
- Surface water drainage (verification report)

7.94 The application is considered to be acceptable with regard to drainage and flood risk, subject to the conditions proposed by these consultees.

**Economic and Social Benefits**

7.95 There are economic benefits from the development as it would generate temporary employment during construction (including apprenticeship opportunities) and permanent employment opportunities thereafter. The applicant forecasts that the equivalent of 154 full time jobs would be created by the proposal.

7.96 The site layout encourages social integration in the spaces between the buildings, and the range of uses on the site will add variety to the type of employment opportunities available. The Made in Northamptonshire element of the proposal could support and enhance local tourism which is desirable and in accordance with Policy 22 e) of the JCS.

7.97 Provision of the link road from Ditchford Lane to Rushden Lakes would be a benefit of the proposal and would provide more convenient access to Rushden Lakes development. That said, the link road already has a separate planning permission (18/00004/FUL), so could come forward independently of this proposal.

7.98 The economic and social benefits are a material consideration in favour of the proposal. These will need to be weighed up against other policy and material considerations.

**Ecology and Green Infrastructure**

7.99 The application site is within an ecologically sensitive area due to its proximity to the Upper Nene Valley Gravel Pits Special Protection Area (SPA), SSSI, Ramsar site and its associated Local Wildlife Sites and linked habitats. It is therefore of vital importance that the proposal adequately assesses the potential effects and avoids harmful impacts.

7.100 The ES includes a Landscape and Ecology Management Plan and the overall conclusion, from the Non-Technical Summary, is that:

"Overall no significant adverse residual effects on ecological features have been identified during the construction and post-construction phases of the Proposed Development or the Cumulative Development."

7.101 The application as originally submitted did not fare well in this regard, as The Wildlife Trust (WT), Natural England and the Northamptonshire Badger Group all requested additional information.

7.102 The Wildlife Trust were unconvinced that some of the survey work is up to date, and highlighted a particular deficiency that the survey work carried out does not adequately stress the importance of the application site to the SPA.

7.103 Natural England also raised concerns, and mirrored the concern raised by the WT that the majority of the survey effort is not bespoke to this proposal. NE's full comments are available at Appendix 2.12 but in summary they were seeking:
• Clarity regarding the purpose and conclusions of the HRA (Habitats Regulation Assessment);
• Justification of relevant survey efforts and provision of correct survey effort;
• Clarity on the evidence for bats in the disused railway tunnel, including a mitigation strategy;
• Justification regarding recreational impacts, including a mitigation strategy; and
• A clear mitigation strategy for the entire project, which provides a biodiversity net gain.

7.104 There has been dialogue between the applicant’s agent, Natural England and the council to resolve these concerns. Additional information has been supplied to both the Wildlife Trust and Natural England, to the point where they now both agree that the impact upon ecology is acceptable, subject to appropriate mitigation.

7.105 The Northamptonshire Badger Group has requested that a pre-construction badger activity survey be carried out. They claim that this is a necessity due to badger activity and the time delay between the original survey and the commencement of building works. This would be in the form of a pre-commencement planning condition and is considered to be a reasonable request.

7.106 Following separate telephone dialogue between the council and Natural England, Officers are confident that ecological matters can now be resolved through the imposition of pre-commencement conditions relating to:

• A bat survey (relating to the railway tunnel); and
• An Access and Habitat Management Plan (AHMP)

7.107 Under the Conservation of Habitats and Species Regulations 2017 (as amended), a Habitats Regulations Assessment (HRA) has been undertaken. The purpose of a HRA is determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. The HRA for this application is included at Appendix 1 and concludes that, subject to mitigation measures (to also include a Construction Environment Management Plan (CEMP) and Landscape and Ecology Management Plan), that the impact upon ecology will be acceptable.

7.108 This adequately mitigates the impact on ecology. With regard to green infrastructure there is no objection from the Wildlife Trust, Natural England or the Badger Group, but in their wider objection to the application, the JPDU has made suggestions regarding the layout; in particular highlighting that a linear green space would improve movement between Rushden Lakes and Living.

7.109 Officers agree with the JPDU on this point, but feel that this concern is not substantial enough in its own right to warrant a refusal of planning permission.

Section 106

7.110 There have been discussions with the applicant’s agent regarding Section 106 as a means of mitigating highway matters (junction improvements at Ditchford Interchange and public transport contributions). They agree in principle to this approach, subject to discussions with the LHA and bus providers. These discussions are ongoing at the time of writing the report.

7.111 The local town councils of Rushden, Higham Ferrers and Irthlingborough have all expressed an interest in either securing funding for town centre projects, being involved in general Section 106 discussions, or both.
7.112 The council's retail consultant has concluded that the application is acceptable in retail impact terms, and that any harms can be mitigated through conditions on the following matters:

- Limits on the amounts of comparison, convenience, and A3 floor space, and the number of such units, to reflect the figures in the application submission;
- Prevention of the sub-division of the A1 and A3 units;
- Restricting use of unit 6a to an operation consistent with the MIN concept;
- Controls to ensure the character of the D1 and D2 activity is of a scale and character consistent with that specified in the submission material;
- Controls on any showroom or trade counter space in the employment units; and
- A "no poach" condition, to ensure that retailers do not relocate from neighbouring towns to this site.

7.113 In this context, the request for contributions toward town centre improvement / management schemes would not be required or reasonable. It would however be useful to have the town councils' views on public transport improvements, to ensure that these are as effective as possible. Should Members resolve to grant planning permission, the input of the town council's can be sought.

Sustainable Construction

7.114 Policy 9 of the Joint Core Strategy requires that:

"Development should incorporate measures to ensure high standards of resource and energy efficiency and reduction in carbon emissions. All residential development should incorporate measures to limit use to no more than 105 litres/person/day and external water use of no more than 5 litres/person/day or alternative national standard applying to areas of water stress.

Design and access statements must demonstrate how sustainable design principles have been addressed. In particular:

1. Subject to economic viability, developments of 1000+ square metres of non-residential floorspace should, as a minimum meet BREEAM very good or equivalent nationally recognised standards.

2. The layout and design of sites, buildings and associated landscaping should:
   a. maximise the use of passive solar design to address heating and cooling; and
   b. where technically feasible, enable access to or provision of decentralised energy networks, or safeguard future opportunities to do so without major disruption."

7.115 The Energy and Sustainability Statement submitted as part of the ES demonstrates that the scheme will achieve BREEAM very good (or equivalent) and will achieve the aims of JCS 9.2 with regard to passive solar design. High levels of natural day lighting, passive ventilation and solar shading have been integrated into the building designs and air source heat pumps will result in a lower carbon footprint.

7.116 In the event of an approval these details can be agreed and secured via planning condition(s).

8 Other Matters

8.1 Equality Act 2010: It is not considered that the proposal raises any specific concerns in relation to the Equality Act (2010).
8.2 **Archaeology:** The County Archaeologist concludes that the proposed development will have a detrimental impact on any archaeological remains present, but goes on to state that it does not represent an over-riding constraint on the development, provided that adequate provision is made for the investigation and recording of any remains that are affected.

This can be secured through a pre-commencement planning condition for an archaeological programme of works as per the requirements of NPPF paragraph 199.

8.3 **Contamination:** Following consultation with the Environmental Protection team, two conditions are proposed to address contamination. The first is a pre-commencement condition which is to mitigate any potential risks from ground gas and is required because the contamination report has not yet been finalised. The second is a precautionary contamination condition, as per the one also requested by the Environment Agency.

Both conditions are considered to be necessary and reasonable and will be included in the event of an approval.

8.4 **Loss of Agricultural Land**
Post-construction, if approved, the proposal would result in the permanent loss of 8.4 ha of Grade 3a (good quality) agricultural land as well as the removal of the associated soil resource.

8.5 **Waste Collection:** No concerns have been raised relating to this matter. The proposed layout provides adequate space for service vehicles to enter the site, to load / unload, manoeuvre and to leave the site safely in a forward gear.

8.6 **Built Heritage:** The site is not located in or adjacent to a conservation area or any listed buildings and the proposed development would not have an adverse impact on any built heritage assets in the vicinity.

8.7 **Local Finance Considerations:** There are no material matters that would affect the overall recommendation.

8.8 **Noise:** No objections have been received on this issue from the Environmental Protection team, subject to conditions relating to construction hours and mechanical and electrical plant. The proposal is considered to be acceptable in this regard.

8.9 **Light Pollution:** Consultation has been undertaken with the Commission for Dark Skies (CFDS). They have not objected to the application and consider that the new application will not cause additional energy waste from light pollution. They recommend a condition to ensure that the final exterior lighting installations meet the parameters set out in the Lighting Design Strategy, and that the condition is set in perpetuity to include retrofit lighting in the future.

8.10 **Health Impact Assessment**
Paragraph 91 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal will enable many of these aims to be achieved by enabling easier access on foot and by cycle to the development and surrounding public rights of way and is therefore considered to be acceptable on health impact grounds. As this proposal is not for residential development, no contributions towards healthcare have been sought.
8.11 **Lack of Local Support for the Proposal:** This application is opposed by the councils of larger neighbouring towns (Kettering, Wellingborough and Northampton) and Kettering Town Centre’s owner on retail grounds. The smaller neighbouring towns (Higham Ferrers / Irthlingborough) together with Rushden Town Council and Waitrose (Rushden) have raised concerns relating to retail and traffic / highways related impacts.

There have been no letters of support or opposition from local residents.

By comparison, the original Rushden Lakes application received considerable support from the local community in the face of opposition from several neighbouring planning authorities.

No material weight is attached to this particular issue, but given the context of widespread support in the recent past, the lack of any with this application is a significant change that is worth noting.

9 **Conclusion / Planning Balance**

9.1 The application is for employment generating development on agricultural / countryside land which is not allocated within the development plan. The link road element of the scheme already benefits from a separate planning permission and would be materially the same as part of this proposal.

9.2 **Weighing in favour** of granting planning permission are the following matters:

9.3 **Retail Impact**
Subject to a series of conditions to:

- Prevent subdivision
- Control the range of goods to be sold
- Ensure no poaching of retailers from neighbouring town centres

The development would be acceptable in sequential and impact terms, albeit there is general caution about continued expansion of Rushden Lakes.

9.4 **Design of Individual Buildings**
The buildings are all considered to be acceptable in terms of their design and appearance.

9.5 **Ecology**
Concerns were originally raised by consultees in this regard but additional information supplied by the applicant has addressed these to the point where they can be mitigated by pre-commencement conditions.

9.6 **Job Creation and Tourism**
The proposal would initially deliver temporary economic benefits associated with construction employment. Thereafter it would provide for, potentially, around 150 full time equivalent jobs, and prospectively a large variety of employment types. If the MIN concept is successful, it could become a popular tourist destination.

9.7 **Provision of Link Road / Highways / Public Transport**
The proposal would be more likely to enable the link road between Rushden Lakes and Ditchford Lane (also approved in its own right under permission ref 18/00004/FUL) to be delivered. With regard to highways and public transport, subject to mitigation through conditions and S106, these elements are, or can be made to be acceptable in planning terms.
9.8 Drainage / Flood Risk / Noise / Air Quality / Contamination / Light Pollution
Subject to appropriate conditions and / or mitigation the application poses no concerns in these regards.

9.9 Weighing against the grant of planning permission are the following matters:

9.10 Principle of Development
Whilst a link road has been permitted on part of the site, this was to serve as a second access to Rushden Lakes rather than to act as an enabler for additional retail and other development leading to the loss of more countryside. The site is not identified or allocated in the development plan to be developed.

The proposal is of significant scale yet lacks a masterplan context, would represent a loss of a substantial area of good quality agricultural land / countryside, and would see the introduction of additional town centre uses into an out of centre location, well away from existing dwellings. The additional uses would not support neighbouring town centres to diversify their offer to operate successfully alongside Rushden Lakes.

9.11 Layout / Landscape Impacts
Individual elements such as the link road and internal car park layout are acceptable but the general layout is poor. Rushden Living would be an insular, inward facing scheme, physically divorced from Rushden Lakes and whilst there would be a significant amount of publicly accessible open space between them, it would be poorly overlooked and would not function well.

Both the JPDU and council’s LVIA consultant have reached the same conclusion that the proposal would be harmful in landscape/visual impact terms, a conclusion which officers agree with.

Overall Conclusion

9.12 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, there is no designation or allocation within the development plan for this site to be developed, and it would result in the loss of agricultural / countryside land. It therefore falls to the material considerations of the scheme to determine whether or not permission should be granted.

9.13 Many of the technical matters, such as ecology, drainage, contamination, noise and air quality are, or can be made to be acceptable in planning terms. The same can be said for the retail impact. There would be gains of employment and the potential for increased tourist trade. Highway and public transport improvements can also be secured through mitigation (conditions and Section 106).

9.14 The proposal is an obvious step back and scaling down from the previous withdrawn application (18/01197/FUL) in that it proposes significantly less floor space and fewer units. The previous application was withdrawn and so was not determined, so there is no fall-back position other than the link road permission which would have considerably less impact upon the countryside.

9.15 The proposal would result in the loss of open countryside and a substantial amount of good quality agricultural land to employment and town centre compatible uses, on an out of centre site that is poorly integrated with its surroundings. It would have an insular, cul-de-sac layout and a large but dysfunctional area of open space. If permission is granted, it would be difficult to integrate Rushden Living into any future phases of development owing to its layout relative...
to the surroundings.

9.16 Accordingly and notwithstanding the benefits associated with job creation and the potential for increased tourism, the material gains do not outweigh the in-principle concern about developing the site, the loss of good quality agricultural land, the negative landscape impact and the poor layout that would result. The recommendation therefore is for refusal.

10 Recommendation

10.1 That planning permission be **REFUSED** for the following reason:

11 Reason(s)

The proposed development would result in the loss of good quality agricultural land in open countryside and would involve a significant development of main town-centre uses in an out-of-centre location. The layout would have a negative visual impact on landscape character and would not conserve or enhance the character or qualities of the existing landscape. It would not relate well to the wider landscape in terms of character and setting, and would have poor physical connections with the Nene Valley sub-regional corridor.

The proposal is therefore contrary to Policies 3 (a), 8 (a, b, d and e), 12 (d) and Policy 20 (a and f) of the North Northamptonshire Joint Core Strategy 2016, Policies EN1, EN2 and EN4 of the Rushden Neighbourhood Plan and Paragraphs 130 and 170 of the National Planning Policy Framework.

12 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. This application is a resubmission of withdrawn scheme 18/01197/FUL and whilst it has resolved some of the concerns raised, it has not adequately addressed enough of them to warrant a recommendation for approval.

2 The application was accompanied by an Environmental Statement. The local planning authority has taken this, and representations made in relation to it, into account when determining this application.

3 For the avoidance of doubt, the retail element of the reason for refusal has been reached on the basis that the principle of development and expansion of Rushden Lakes are considered to be unacceptable. The council accepts the findings of its retail consultant in relation to sequential and retail impacts. These do not form part of the argument for this element of refusal reason.

3 List of Refused Drawings and Documents

**Drawings**

- GIS369 – A – Application Site (Location Plan)
- 15326-101 – Existing Site Plan
- 15326-150 Rev 01– Proposed Rushden Living 2019 Site Context Plan
- 15326-151 Rev A – Proposed Rushden Living 2019 Site Plan
- 15326-152 Rev 01 – Proposed Parameters Plan
- 15326-153 Rev 01– Proposed Site Sections
- 15326-154 Rev 01 – Proposed Site Plan
- 15326-155 – Proposed Pavilions – Unit 08 – Floorplans, Elevations & Sections
• 15326-156 – Proposed Pavilions – Unit 09 – Floorplans, Elevations & Sections
• 15326-157 – Proposed Pavilions – Unit 10 – Floorplans, Elevations & Sections
• 15326-158 – Proposed Pavilions – Unit 11 – Floorplans, Elevations & Sections
• 15326-159 – Proposed Pavilions – Unit 12 – Floorplans, Elevations & Sections
• 15326-160 – Proposed Barn Houses – Unit 07 – Floorplans, Elevations & Sections
• 15326-161 – Proposed Barn Houses – Units 13 & 14 – Floorplans, Elevations & Sections
• 15326-162 – Proposed West Terrace – Units 03 & 04 – Floorplans, Elevations & Sections

• 100 – MIN Building Ground Floor Plan
• 101 – MIN Building First Floor Plan
• 102 – MIN Building Roof Plan
• 200 – MIN Building Sections AA & BB
• 201 – MIN Building Section CC
• 202 – MIN Building Sections DD & EE
• 300 – MIN Building Elevations

• EX-124-GA-100 – Landscape General Arrangement Plan
• EX-124-PP-301 – Planting Plan Detail Area 01
• EX-124-PP-302 – Planting Plan Detail Area 02
• EX-124-PP-303 – Planting Plan Detail Area 03
• EX-124-PP-304 – Planting Plan Detail Area 04

• NWK 170115-EX-00(00)-P700 – Link Road Layout and Long Section
• NWK 170115-EX-00(00)-P722 – Gas Protection Slab – Sheet 1
• NWK 170115-EX-00(00)-P723 – Gas Protection Slab – Sheet 2
• NWK 170115-EX-52(00)-P562 – Proposed Levels Layout Sheet 1
• NWK 170115-EX-52(00)-P563 – Proposed Levels Layout Sheet 2

• P172-723 Access – Rushden Living 2019 – Proposed Lighting Layout

• HE******** -VEC-HGN-RDBT-DR-CH-D100.1 Rev P01 – A45 J16 E/b Exit Slip Road (Roundabout Approach) General Arrangement

Documents

• Environmental Statement by Campbell Reith for Anonymous Ltd – Project Number 12348 – June 2019
  • Volume 1 – Non-Technical Summary
  • Volume 2 – Main Text (15 chapters)
  • Volume 3 – Appendices
• Economic Report by Nortoft Planning – June 2019
• Employment Charter by Nortoft Planning – June 2019
• Construction Futures Strategy by Nortoft Planning – June 2019
• Retail Assessment by Burnett Planning – June 2019
• Energy & Sustainability Statement – 1780 – June 2019
• Landscape Design Statement – Rushden Living 2019 by Strata
• Transport Assessment (and appendices A-Z) by Vectos – June 2019
• Design and Access Statement – 13622 – June 2019

Planning Management Committee

20th November 2019
Appendix 1: Habitat Regulations Appropriate Assessment

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

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

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<tbody>
<tr>
<td>Application address:</td>
<td>Land West Of Rushden Lakes</td>
</tr>
<tr>
<td></td>
<td>Ditchford Lane</td>
</tr>
<tr>
<td></td>
<td>Rushden</td>
</tr>
<tr>
<td></td>
<td>Northamptonshire</td>
</tr>
<tr>
<td>Application description:</td>
<td>Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)</td>
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<tr>
<td>Status of Application:</td>
<td>Pending consideration</td>
</tr>
<tr>
<td>Proximity to SPA:</td>
<td>Within 2km</td>
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Lead Planning Officer: Dean Wishart

Stage 1 - details of the plan or project

<p>| European site potentially impacted by planning application, plan or project: | YES |
| Is the planning application, project or plan | NO |</p>
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<th>Answer</th>
</tr>
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<tbody>
<tr>
<td>Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an ‘in combination’ effect to be assessed)?</td>
<td>NO, not on this site.</td>
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### Stage 2 - HRA screening assessment

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

**Conclusion on the need for a full Habitats Regulations Assessment (Appropriate Assessment) (has evidence shown there is a need for a full HRA?)** Yes

The application is for major mixed-use development within 2km (linear distance) of the SPA and the nature of the development would see increased public access to, and adjacent to the SPA for recreation, e.g. from dog walking, which in turn can lead to disturbance of the notified bird populations and impacts to the ability of birds to use the site for feeding and roosting.

The ruling by the Court of Justice of the European Union on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17) requires development relying on mitigation to no longer be considered at the screening stage but taken forward and considered at the appropriate assessment stage. Therefore as the application requires mitigation it will need to be considered at the appropriate assessment stage.

(If yes, continue to Stage 3; if no, continue to Stage 4).

### Stage 3 - HRA – Appropriate Assessment

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

A mitigation strategy is set out in the SPA SPD to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by either securing financial contributions towards Strategic Access Management and Monitoring (SAMM), or through other suitable mitigation. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.

This is an EIA application and the applicant has provided a project level HRA (Habitats Regulation Assessment), with proposed mitigation to be secured through a Construction Environment Management Plan and Landscape and Ecology Management Plan. Natural England was initially dissatisfied with the level of survey work undertaken, but additional...
information has been provided by the applicant during the course of the application, and they are now satisfied with the mitigation measures proposed (see Natural England comments below).

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

Conclusion:
This application proposes a new road and walking / cycling routes close to the SPA along with new commercial floor space. These will attract additional visitors to the area.

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

Based on the information submitted, Natural England, is now satisfied with the level of survey work undertaken, and satisfied that if approval is given, a Construction Environment Management Plan (CEMP) and Landscape and Ecology Management Plan will secure other mitigation measures as outlined in their response below.

Consequently, it is not considered that the proposal would have significant adverse effects on the SPA.

Natural England Officer:

SUMMARY OF NATURAL ENGLAND’S ADVICE (Most recent response - 16.9.19)

We have recently received additional information regarding this application and therefore would like to submit an update to our comments dated 9th August 2019. One of our areas of concern was the survey effort which had been presented as part of the proposal. We have been pleased to receive the preliminary results of the ecological surveys which have been undertaken over the course of this survey season. These surveys are in addition to the work already submitted as part of the application. They have included surveys for breeding birds, bat activity, reptiles and badgers on the application site. The initial results included:

- a number of red and amber list bird species breeding on the application site, as well as a barn owl on adjacent land,
- no evidence of bat roosting within the tunnel, although several species have been recorded using the wider site and analysis of the results is ongoing,
- a small populations of grass snake on the application site,
- an outlier badger sett within the area proposed as greenspace.

Whilst we look forward to receiving the full reports, we are now satisfied with the level of survey effort included. Please note that are comments regarding Ditchford Reserve Local Wildlife Site are still relevant.

SUMMARY OF NATURAL ENGLAND’S ADVICE (Earlier response - 16.8.19)

Thank you for the opportunity to comment on the above proposal. This application site is within an ecological sensitive area due to its proximity to the Upper Nene Valley Gravel Pits.
Special Protection Area (SPA) and its associated Local Wildlife Sites and linked habitats. It is, therefore, important that any planning application is particularly careful to assess the potential effects of their proposal and avoids harmful impacts. We would like to make the following comments on this application to highlight a couple of issues.

Ditchford Reserve Local Wildlife Site
A section of Ditchford Reserve Local Wildlife Site (LWS) is within the current proposal for the creation of a series of ponds as part of the drainage strategy. Whilst the creation of ponds has the potential to be beneficial to wildlife and protect sensitive ecological features downstream, they need to be designed, implemented and monitored carefully. We are pleased to see that the application will include the creation of a CEMP and Landscape and Ecology Management Plan. Within these, we would suggest that the following are clearly included:

- Protection of the reminder of the LWS during the construction of the ponds.
- Measures to ensure that the water quality of the ditches within Ditchford Nature Reserve (which link to the SPA) are not degraded. It is important that the water quality is monitored and features used to improve it are maintained during the lifetime of the development.
- The ponds are created and managed to maximise their potential for biodiversity.

Survey Effort
Whilst we acknowledge that considerable survey effort has occurred around the proposed development site for many years, we would like to stress that as plans evolve it is vital that these surveys are kept up-to-date and are specific to the proposal. We are not convinced that this is currently the case for this application and would advise that further specific survey work is required. Of particular importance is the relationship of this application site to the SPA. This should cover the use of the site by all qualifying species and recognise that the behaviour of many species is dynamic.
Appendix 2: Consultee and Stakeholder Responses
Referred to in Section 6 of the Report

Index of Appendices

Note: Where a consultee has responded more than once, all responses will be within the same Appendix.

2.1 – Rushden Town Council
2.2 – Irthingborough Town Council
2.3 – Higham Ferrers Town Council
2.4 – Kettering Borough Council (letter and report)
2.5 – Northampton Borough Council
2.6 – Borough Council of Wellingborough
2.7 – Peterborough City Council
2.8 – Bedford Borough Council
2.9 – Secretary of State – Planning Casework Unit
2.10 – Highways England
2.11 – Northamptonshire Police – Crime Prevention Design Advisor
2.12 – Natural England
2.13 – Commission for Dark Skies
2.14 – Environment Agency
2.15 – The Wildlife Trusts (3 No. responses)
2.16 – Western Power Distribution
2.17 – BPA
2.18 – Cadent Gas
2.19 – Williams Gallagher on behalf of Ellandi (owners of Newlands Centre, Kettering)
2.20 – Firstplan, on behalf of Waitrose
2.21 – Northamptonshire Badger Group (2 No. responses)
2.22 – North Northamptonshire Joint Planning and Delivery Unit
2.23 – Anglian Water
2.24 – Northamptonshire Fire and Rescue
2.25 – Northamptonshire County Council – Lead Local Flood Authority
2.26 – Northamptonshire County Council – Local Highway Authority
2.27 – Northamptonshire County Council – Key Services
2.28 – Northamptonshire County Council – Archaeology
2.29 – East Northamptonshire Council – Environmental Protection – Contamination
2.30 – East Northamptonshire Council – Environmental Protection – Air Quality
2.31 – East Northamptonshire Council – Environmental Protection – Noise
2.32 – East Northamptonshire Council – Senior Tree and Landscape Officer
2.33 – East Northamptonshire Council – Retail Consultant (Planning Prospects)
2.34 – East Northamptonshire Council – Planning Policy
2.35 – East Northamptonshire Council – Landscape and Visual Impact Consultant (Iain Reid)
Appendix 2.1
Rushden Town Council
Dear Sirs

Application Number: 19/01092/FUL
Applicant: Anonymous Ltd
Planning Officer [redacted]

Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) at Land West Of Rushden Lakes, Ditchford Lane, Rushden, Northamptonshire.

Rushden Town Council considered the above application at our Planning Consultative Committee on 30th July 2019 and would like to make the following comments:-

We do have concerns about the scale of the proposed development and existing developments at Rushden Lakes, in terms of road infrastructure. We understand the proposed road should help alleviate the problems being experienced at present, however we feel extensive road improvements at the Ditchford Lane end of the site will be required to cope with the additional traffic created by this and existing phases of the Rushden Lakes development. Therefore, we would request that any road infrastructure improvements deemed necessary as part of this application are carried out prior to the opening of any of the proposed units. At present there is serious congestion at the Waitrose Roundabout with traffic tailing back on the A45 in both directions at peak times and at the weekends.

We would also expect to see the provision of adequate parking for both members of the public and staff. The lack of parking on the initial phases of Rushden Lakes has caused considerable concerns for local businesses, surrounding residents and staff employed at the Lakes. Since the opening of the Cinema, parking issues have been exacerbated during retail opening hours. We feel a more holistic approach needs to be considered for the whole site regarding parking provision and the proposed phase could be an opportunity to provide additional parking to alleviate the ongoing parking problems. We
do not feel the proposed parking for this phase is adequate for the retail and business premises proposed and therefore will only add to the current parking issues.

Rushden Town Council is concerned about the potential impact of this scheme on Rushden High Street. If some of the proposed retail is to be of smaller units offering a ‘niche market’ appeal this would have a substantial impact on the viability and vitality of Rushden Town Centre and would therefore not be acceptable. This would reduce the ability of Rushden Town Centre to operate successfully alongside the Rushden Lakes Development in accordance with Policy 12 of the Joint Core Strategy. Similarly we would have concerns about the development of leisure space, if this was in the form of gyms and fitness centres this would again impact on the viability of this type of business currently operating within the town. We have a number of successful gyms and fitness centres operating in close proximity to the High Street and would not wish to see these compromised by this type of facility at Rushden Lakes. These facilities at present provide important ‘knock on’ convenience retail spend in our High Street shops and help maintain the vitality of the town centre. We would question whether the ‘Made in Northamptonshire’ concept would not be better placed in Rushden High Street, thus utilising existing smaller existing retail outlets and providing more footfall for the town. We also feel the ‘Made in Northamptonshire’ concept would have a detrimental effect on the Higham Ferrers Farmers Market.

The council is of the view that the impact maybe mitigated to an more acceptable level if a ‘no poach’ policy is adopted in terms of existing High Street businesses, as was agreed in previous phases, however this would need to include gyms and fitness centres as these are the type of businesses that are flourishing within the town and providing footfall and economic advantage. Whilst we have been supportive of the Rushden Lakes scheme we do feel now careful consideration needs to be given to ensuring Rushden High Street is not at unfairly disadvantaged by any future retail and business space that may be proposed in this latest application.

We also feel mitigation is required to enable us to continue working with the occupiers of the Rushden Lakes development, existing agencies and local business base to promote links between Rushden Lakes development and Rushden and Higham Ferrers Town Centres.

Rushden Town Council requests to be included in discussions regarding Developer Contributions and Section 106 Monies. As well with continued support to encourage links between Rushden Lakes and Rushden we would like to make Public Realm improvements within the High Street to encourage greater footfall and vitality.

Yours faithfully

Town Clerk
Rushden Town Council

We take the processing of your data seriously and will only hold your personal details for as long as is necessary. We will not share your personal details with any third party unless required to do so by law or if you have expressly permitted us to do so.
Appendix 2.2

Irthlingborough Town Council
Irthlingborough Town Council discussed this Planning Application 19/01092/FUL at their Planning meeting and wish to return the following response.

No Objection

but wish it to be noted that they do have concerns regarding the limited car parking provision, it is felt that the Rushden Lakes development as a whole is an unsustainable development as not enough car parking spaces are provided by today's standard.

Irthlingborough Town Council would also like the following taken into consideration

i) Irthlingborough Town Council would like to be included in all discussions in regard to S106 monies against this application

ii) Irthlingborough Town Council would like to see the area shown between the end of this proposed development and Ditchford lane between the proposed new link road from Ditchford Lane and the A45 remain as an undeveloped area/ buffer to stop the development creeping to Ditchford Lane.

Admin Assistant

Irthlingborough Town Council,
Council Offices, Station Road
Irthlingborough,
Northants, NN9 5SN

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To view the Town Council's Privacy Policy please click here.
Appendix 2.3
Higham Ferrers Town Council
Subject: 19/01092/FUL Hybrid application - Rushden Lakes
Date: 01 August 2019 15:03:22

Subject: 19/01092/FUL Hybrid application - Rushden Lakes

Dear Planning

19/01092/FUL Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL), Land West Of Rushden Lakes, Ditchford Lane, Rushden

The Council neither object or support the proposals, however they make comment and raise concern as follows:
The Council has concerns about the capacity of the road infrastructure to cope with the development. In addition, Ditchford Land needs to be upgraded to cope with the development, as traffic in Ditchford Lane and over the bridge is in excess of current capacity. Any road improvements required as part of the development should be completed before construction on site begins. This is to avoid the situation that occurred with phase 1 of Rushden Lakes.
The Council is concerned that the smaller units proposed will be direct competition to Higham Ferrers High Street and have a negative impact.
Should the development be approved the Council want to be part of s106 negotiations. Items for consideration are funding for Town Managers Assistant and Public Realm Improvements in Higham Ferrers.

Yours sincerely

Assistant Town Clerk
Higham Ferrers Town Council
Monday to Friday 9.30am to 2.30pm

We take the processing of your data seriously and will only hold your personal details for as long as is necessary. We will not share your personal details with any third party unless required to do so by law or if you have expressly permitted us to do so.
Appendix 2.4

Kettering Borough Council

(letter and report)
Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACTS**
**PLANNING ACT 2008**

**Application No:** KET/2019/0474  
**Applicant:** C/O Mr M Sherwood  
**Proposal:** Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) at Land West Of Rushden Lakes, Ditchford Lane, Rushden (East Northamptonshire Council 19/01082/FUL)

**Location:** Land West of Rushden Lakes, Rushden  
**Case Officer:**

Thank you for consulting this Authority about the above proposal.

This Council raises **Objection** subject to the reasons contained within the attached report.
Kettering
Borough Council

Website: www.kettering.gov.uk

Yours faithfully

[Blank]

Interim Head of Development Services
3. Information

Relevant Planning History

KET/2018/0534
Consultation from Another Council - Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace – OBJECTION

17/02559/FUL Full application
Erection of retail and restaurant units together with proposals for access, parking and servicing, hard and soft landscaping and other associated works APPROVED 17/05/2018

16/01662/FUL Full application
Erection of a leisure building to include cinema, other leisure uses and restaurant units and erection of retail units, cycle hire facilities, together with proposals for access, parking and servicing space, hard and soft landscaping and other associated works. APPROVED 11/09/17

15/02249/FUL Full Application
Erection of a leisure building to include a cinema, restaurant and retail units and other leisure uses and erection of a cycle hire facility together with proposals for access, parking and servicing space, hard and soft landscaping and other associated works. APPROVED 09/08/16

15/01127/VAR Variation of conditions 1, 5, 6, 8, 14, 37, 38, 41, 42, 43, 44, 45, 46, 47 and 48 (as per section 2 of the submitted planning statement) pursuant to planning permission 14/01938/VAR (Variation of conditions 1, 5, 6, 8, 15, 38, 39, 42, 43, 44, 45, 46, and 47 (as per section 2 of the submitted planning statement) pursuant to planning permission 12/00010/FUL - ‘Rushden Lakes: Hybrid Planning Application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, creche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop’ dated 20.12.2012 APPROVED 16/11/15

14/01938/VAR Variation of conditions 1, 5, 6, 8, 15, 38, 39, 42, 43, 44, 45, 46 and 47 as per section 2 of the submitted planning statement pursuant to planning permission 12/00010/FUL – ‘Rushden Lakes: Hybrid planning application comprising: Full application for the erection of a home and garden centre, retail
units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, crèche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing together with the provision of car and cycle parking and a bus stop. APPROVED 12/6/15

12/00010/FUL Rushden Lakes: Hybrid planning application comprising: Full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants and boat house, together with proposals for access. Outline: application for the erection of a hotel, crèche and leisure club with some matters reserved (appearance). Plus removal of ski slope and associated site levelling, landscaping, habitat management and improvement works, vehicular access and servicing together with the provision of car and cycle parking and a bus stop. APPEAL DECISION SECRETARY OF STATE APPROVED 11/6/14

Site Description
The site is located to the west of the existing Rushden Lakes development. To the south of the site is the A45, to the north an arable field and the meadows and lakes in the Ditchford Nature Reserve and to the west, Ditchford Road and an arable field. The site area is approximately 11 ha.

Proposed Development
Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) at Land West Of Rushden Lakes, Ditchford Lane, Rushden (East Northamptonshire Council 19/01092/FUL)

Any Constraints Affecting the Site
Upper Nene Valley Gravel Pits Site of Special Scientific Interest (SSSI), Ramsar site and Special Protection Area (SPA)
Biodiversity Action Plan Priority Habitat (reedbeds and deciduous woodland)

4. Consultation and Customer Impact
Not applicable – Kettering Borough Council are a consultee to a neighbouring Local Authority’s application

5. Planning Policy
National Planning Policy Framework (NPPF):
Policy 6 – Building a strong, competitive economy
Policy 7 – Ensuring the vitality of town centres
Policy 8 – Promoting healthy and safe communities
Policy 9 – Promoting sustainable transport
Policy 12 – Achieving well-designed places
Policy 15 – Conserving and enhancing the natural environment

North Northamptonshire Joint Core Strategy (JCS):
Policy 1 – Presumption in Favour of Sustainable Development
Policy 8 – North Northamptonshire Place Shaping Principles
Policy 12 – Town Centres and Town Centre Uses
Policy 16 – Connecting the Network of Settlements

Kettering Town Centre Area Action Plan

6. Financial/Resource Implications
None

7. Planning Considerations
This application is a resubmission of the 2018 proposal.

The Proposed Development comprises a total of 11 individual buildings. The central area contains units which vary from 139sqm to 690sqm GIA, and are a collection of smaller pods, barn units and a bespoke unit (unit 06) adjacent to the link road.

These units will comprise a mixture of retail, restaurant, office and physiotherapy / leisure floorspace.

The outer units vary from 487sqm to 1,053sqm GIA, with a terrace building and a stand-alone unit. These units will comprise employment uses.

Overall the Proposed Development will provide the following uses and amount:

<table>
<thead>
<tr>
<th>USE CLASS</th>
<th>UNIT (s)</th>
<th>Ground sqm GIA</th>
<th>Mezzanine sqm GIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Units 7 (non-food), 6a and 8 (including food)</td>
<td>1,294 sqm*</td>
<td>0</td>
</tr>
<tr>
<td>A2</td>
<td>Units 9 and 13</td>
<td>464 sqm</td>
<td>0</td>
</tr>
<tr>
<td>B1 (a)</td>
<td>Unit 6b</td>
<td>0</td>
<td>294 sqm</td>
</tr>
<tr>
<td>B1 (c) / B2 maximum</td>
<td>Units 3, 4, 5, 10 and 12</td>
<td>2,809 sqm</td>
<td>0</td>
</tr>
<tr>
<td>D1 / D2</td>
<td>Unit 6c, 11 and 14</td>
<td>371 sqm</td>
<td>264 sqm</td>
</tr>
<tr>
<td>Ancillary / Servicing Areas</td>
<td>Unit 6</td>
<td>110 sqm</td>
<td></td>
</tr>
<tr>
<td>TOTAL (maximum)</td>
<td></td>
<td>5,606 sqm</td>
<td></td>
</tr>
</tbody>
</table>

* A1 Food = 922m² GIA. A1 Non Food = 372m² GIA. Fashion floorspace limited to 372m² GIA

The NPPF requires planning policies and decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies, should among other things,
promote their long-term vitality and viability.

Policy 12 of the JCS seeks to support the vitality and viability of town centres in North Northamptonshire. Policy 12 seeks to maintain and regenerate Kettering and Corby town centres and to adapt and diversify Wellingborough and Rushden town centres to operate successfully alongside the permitted out of centre retail and leisure development at Rushden Lakes. To support the vitality and viability of town centres the sequential and impact tests set out in the NPPF will be applied to retail development and other town centre uses proposed outside the defined town centre areas.

The NPPF states that the sequential test should be applied to planning applications for main town centre uses which are neither in an existing town centre nor in accordance with an up to date plan. Out of centre sites should only be considered if suitable sites are not available (or expected to become available in a reasonable period) firstly within the main town centre and then within edge of centre locations.

The NPPF requires an impact assessment to be undertaken for out of town centre proposals. Impact assessments are to include an assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area retail catchment (as applicable to the scale and nature of the scheme).

This site is an out of centre site and therefore the sequential and impact tests should be applied.

The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

A Retail Impact Assessment has been submitted with the application. This includes a sequential assessment and impact assessment. The Retail Assessment states that 48,504 sqm GIA of A1 retail has been approved at Rushden Lakes (with the Garden Square proposal this would be 45,519 sqm).

Kettering Town Centre has been included in the sequential assessment. The sequential assessment concludes that the application satisfies the sequential test because there are no sequentially preferable sites that are suitable and available. However this assessment only considers locating the proposal on one site due to the benefits of co-location. The 'benefits of co-location' approach for the sequential assessment that appears to have been accepted for the 'Rushden Lakes' development should not automatically be considered to also apply to this proposal. Disaggregation of the units is not considered. In light of the end user not being known the RIA approach is not up to date and therefore undermines its conclusions. If this disaggregated exercise had been done it is highly probable that the units of the sizes proposed could be located in the various surrounding Market Town and
notably within Kettering Town Centre which current has large and medium sized commercial vacant units available. In addition the RIA has failed to recognise the cumulative impacts and customer draw of the proposal when taken together with wider ‘Rushden Lakes’ offer.

Reference has been made to the Kettering Town Centre health-check in the review of Town Centre Vitality and Viability. The summary of the Kettering Town Centre health-check considers that Kettering town centre remains a vital and viable town centre. That opinion is reached regardless of the closure of numerous stores since the opening of Rushden Lakes, including an M & S, Officers Club, Burton menswear, Gala bingo, Oxfam and New Look in Kettering Town Centre. The RIA avers that closure of the M & S is part of “Its ongoing nationwide store rationalisation programme” with no view offered as to why the other stores mentioned may have been closed. This RIA view is a very simplistic one and yes whilst the M & S group may have been rationalising stores; why the Kettering Store? And why at this time?

Due to the timings of the store closures in Kettering Town Centre, it is undoubted that Rushden Lakes has had its negative impact as can be demonstrated by the Town’s February 2019 Health Check, which indicates a Town Centre in decline. In particular Rushden Lakes has its own M & S and New Look which would have directly contributed to the closure of those two businesses in Kettering Town Centre. This worrying trend would continue and thereby this proposal would have cumulative and further negative impacts on the health and well-being of Kettering Town Centre. The RIA has not presented sufficiently robust or otherwise convincing evidence that could reasonably support coming to a different view.

Consequently, it is considered that this proposal will have a negative impact on the vitality and viability of Kettering town centre and therefore would be contrary to Policy 12 of the JCS and the NPPF.

**Conclusion**

Objection is made to this proposal.

<table>
<thead>
<tr>
<th>Background Papers</th>
<th>Previous Reports/Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title of Document:</td>
<td>Ref:</td>
</tr>
<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
<tr>
<td>Contact Officer:</td>
<td>Senior Development Officer</td>
</tr>
</tbody>
</table>
DO I NEED A MONITORING PRO-FORMA?

Form to be completed within “Communications” where any of the following questions are answered “YES”:
- Loss/gain of planning unit: NO
- Loss/gain floorspace (non-residential): NO
- Change of use for retail, leisure or employment: NO
- Renewable energy projects
PLANNING COMMITTEE: 30th July 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: 
APPLICATION REF: N/2019/0850
LOCATION: Land West of Rushden Lakes, Ditchford Lane, Rushden Northamptonshire
DESCRIPTION: Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)

WARD: N/A
APPLICANT: Anonymous Ltd
AGENT: Quod
REFERRED BY: Head of Planning
REASON: Major Fringe Area Application
DEPARTURE: No

CONSULTATION BY EAST NORTHAMPTONSHIRE COUNCIL:

1 RECOMMENDATION

1.1 That the Council RAISE OBJECTIONS to the proposed development on the grounds of the impact on the viability and vitality of Northampton town centre.
2 THE PROPOSAL

2.1 The proposal is for a hybrid application to extend the Rushden Lakes out-of-centre shopping and leisure complex to the west to provide 5,606sqm (Gross Internal Area) of mixed use development (some 14 units). The development would comprise 1,294sqm of Class A1 retail (3 units – 2 units / 922sqm food uses and 1 unit / 372sqm non-food uses such as clothing and footwear); 464sqm of Class A3 restaurant/cafes (2 units); 294sqm Use Class B1(a) offices (1 unit); Use Class B1(c)/B2 industrial (5 units); and 635sqm Use Class D1/D2 physiotherapy/strength conditioner use, dental surgery and a crèche (3 units).

2.2 In addition, the proposal includes some 160 parking spaces and a new link road between Ditchford Road and Rushden Lakes, incorporating a new junction onto and alterations to Ditchford Road. The new link road would provide direct access to the proposed development and also an alternative access route to the existing Rushden Lake development.

2.3 The application is accompanied by an Environmental Statement (ES) as it represents Environmental Impact Assessment (EIA) development.

3 SITE DESCRIPTION

3.1 The application site lies entirely within the administrative boundary of East Northamptonshire Council and is to the east of Wellingborough and to the north west of Rushden, adjacent to the A45.

3.2 The application site is specifically located to the west of the existing Rushden Lakes out-of-centre shopping complex, to the north of the A45 and A45 service area and to the east of Ditchford Road. It has a site area of some 11.07 hectares and incorporates arable land as well as a disused railway embankment.

4 PLANNING HISTORY

4.1 The wider Rushden Lakes out-of-centre shopping and leisure complex has a long and complex planning history, with the original application the subject of an appeal by public inquiry in 2013. The application was subsequently approved by the Secretary of State in June 2014, with full planning permission granted for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants, boathouse, together with proposals for access and outline planning permission granted for the erection of a hotel, crèche and leisure club; plus removal of the ski slope and associated levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop.

4.2 The appeal application was subject to a number of minor material and non-material applications to reconfigure the retail terraces and increase the overall floorspace, with the first phase of the development opening in July 2017.

4.3 In addition, there have been a number of subsequent applications for a specific leisure complex including a cinema and additional retailing to replace the previously permitted garden centre and hotel.
4.4 An application for a new link road between Ditchford Road and Rushden Lakes was approved last year. This link road is essentially similar in alignment to the link road the subject of the current application, with the current proposal principally differing in respect of land levels.

4.5 Finally, an application submitted last year for a mixed use development of 11,903sqm (some 29 units) relating to the same site as the current proposal has recently been withdrawn.

5 PLANNING POLICY

5.1 National Policies

5.2 The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraph 85 – Seeks to support the role that town centres play at the heart of local communities and to promote their long term vitality and viability.

Paragraph 86 – requires a sequential test for applications for town centre uses not in an existing centre and not in accordance with an up-to-date Local Plan.

Paragraph 89 – requires an impact assessment if the development is over a proportionate, locally set floor space threshold or, if no threshold, 2,500sqm.

6 CONSULTATIONS/ REPRESENTATIONS

6.1 None.

7 APPRAISAL

7.1 The National Planning Policy Framework (NPPF) seeks to ensure the vitality and viability of town centres. It sets out the requirement for a sequential approach to the provision of main town centre uses and allows for the allocation of such uses in other locations. Furthermore, Policy 12 of the North Northamptonshire Joint Core Strategy (2016) sets out a limit of 32,511sqm net retail sales area for the existing out-of-centre Rushden Lakes shopping complex. It is understood that this has already been exceeded by the previously permitted schemes and, accordingly, the proposed development would serve to exacerbate the impact of an out-of-centre development that is already not compliant with local planning policy.

7.2 In addition, government guidance in the NPPF makes it clear that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

7.3 The proposed development is intended to extend considerably to the west of the envelope of the permitted out-of-centre shopping complex at Rushden
Lakes. It is acknowledged that the floor space of the proposal is half that of the previous scheme and that a series of wetland walks has been introduced between the existing and new development such that Rushden Lakes would have a sprawling form that would likely result in users driving between the existing and proposed developments.

7.4 The proposal would however still seek to provide a different, but complementary, offer from the existing Rushden Lakes development including town centre uses, a wide range of units targeting local/regional independents, pedestrian spaces for events and units for local manufacturers to showcase their brands such that the proposal includes the type of offer typically provided and promoted in town centres like Northampton. Indeed, one of Northampton’s advantages is the presence of relatively small units that can be used flexibly and the proposal is effectively seeking to mirror such facilities but in an out-of-centre location. As such, collectively, the new and existing provisions, would effectively transition Rushden Lakes into a town centre in its own right and therefore add to the problems already faced by surrounding traditional high streets and town centres in their attempts to survive and evolve. Moreover, the proposal would only add to the attractiveness, choice and accessibility to an existing out-of-centre development. As such, it is considered that the proposal would undermine the role, vitality and viability of surrounding town centres, including Northampton town centre, and is contrary to government guidance in the NPPF.

7.5 In addition, it is noted that the original Rushden Lakes scheme for a mixed retail, recreation and leisure scheme was granted planning permission by the Secretary of State (SoS) in 2014. The Inspector and SoS concluded that the original scheme passed the NPPF sequential and impacts tests, and were not persuaded that a grant of planning permission would preclude future investment at the Grosvenor Centre in Northampton town centre on the grounds of viability. The SoS also concluded that it is unlikely that substantial numbers of people living in Northampton and beyond would be drawn to Rushden Lakes. Finally, the SoS stated that the effect on the town centres including Northampton would not be significant. However, since then, the Grosvenor Centre extension has not materialised. In addition, Northampton Borough Council commissioned a Retail and Leisure Study this year to inform the preparation of the Local Plan Part 2 and this study has found that Rushden Lakes is already beginning to have an impact on expenditure patterns in Northampton. Indeed, specifically for clothing and footwear, Rushden Lakes is identified as absorbing 9.3% of Northampton residents’ expenditure. In addition, the opening of Rushden Lakes has been cited as a factor in Marks & Spencer’s decision to close their store in Northampton town centre. It is clear that the decision to grant permission for Rushden Lakes has already had a negative impact on Northampton town centre’s viability and vitality, including local consumer choice and trade. Therefore, whilst it is acknowledged that the current scheme is for a reduced quantum of development than the withdrawn scheme, it is considered that any further expansion of Rushden Lakes would likely exacerbate the existing adverse impacts on Northampton town centre.

7.6 Also, whilst the proposal details that approximately half of the units would be light/heavy industrial units, the documentation also suggest that these would include retail elements and thus these quasi retail units would also cumulatively add to the retail impacts arising from the proposal. Furthermore, the design and poor servicing arrangements for the industrial units would likely result in
pressure for them to change to retail units in the future and thus exacerbate further the long term impacts of the proposal on the vitality of surrounding town centres.

7.7 It is also noted that the application documents contain a number of inconsistencies, with the Design and Access Statement for example referring to the central area containing a mixture of retail, restaurant, office and physiotherapy/leisure, but omits any reference to the two light/heavy industrial units which enclose the eastern side of the central public hub. Another example relates to parking, with the Design and Access Statement refers to 212 parking spaces, but the plans only showing some 160 spaces. Finally, the Retail Impact Assessment, refers to a physio/conditioning use in the introduction as different to a health and fitness centre, but later in the document suggests that the uppers floors would be a physio/health and fitness use.

7.8 Overall, the proposal would comprise a substantial expansion to and change the nature of the Rushden Lakes shopping and leisure complex. As such, the resulting complex would effectively replicate and resemble a town centre environment in an out-of-centre location to the detriment of the vitality and viability of surrounding town centres including Northampton town centre. The proposal is therefore contrary to government guidance in the NPPF and is recommended that the Council raise objections to the application.

8 CONCLUSION

8.1 The proposed development would comprise a substantial expansion to and change the nature of the Rushden Lakes shopping and leisure complex to the detriment of the viability and vitality of Northampton Town Centre. As such, it is recommended that the Council object to the application.

9 BACKGROUND PAPERS

9.1 N/2019/0850.

10 LEGAL IMPLICATIONS

10.1 None.

11 SUMMARY AND LINKS TO CORPORATE PLAN

11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.
PROPOSAL: HYBRID APPLICATION COMPRISING: A FULL APPLICATION FOR THE ERECTION OF RETAIL UNITS, RESTAURANT UNITS, OFFICE FLOORSPACE, PHYSIOTHERAPY/LEISURE FLOORSPACE, ANCILLARY STORAGE FLOORSPACE, (WITH ASSOCIATED SITE CLEARANCE, EARTHWORKS, SITE LEVELLING AND FORMATION OF BANKS) TOGETHER WITH PROPOSALS FOR ACCESS, FOOTPATHS, PARKING AND SERVICING SPACE, HARD AND SOFT LANDSCAPING, DRAINAGE WORKS, ATTENUATION PONDS AND OTHER ASSOCIATED WORKS AND AN OUTLINE APPLICATION FOR THE ERECTION OF EMPLOYMENT UNITS WITH SOME MATTERS RESERVED (LAYOUT, SCALE, APPEARANCE). PLUS CONSTRUCTION OF A NEW LINK ROAD BETWEEN DITCHFORD ROAD AND RUSHDEN LAKES (WITH ASSOCIATED SITE CLEARANCE AND EARTHWORKS) ALONGSIDE JUNCTION WORKS, FOOTPATHS, CYCLEWAYS, LIGHTING, HARD AND SOFT LANDSCAPING AND ASSOCIATED WORKS (RESUBMISSION OF 18/01197/FUL)

LOCATION: LAND WEST OF RUSHDEN LAKES
DITCHFORD LANE
RUSHDEN
NORTHANTS

I refer to the above application and would like to inform you that this Council OBJECTS to the above proposal.

The reasons for the Council’s objection are set out in the attached Committee Report and, in summary, the Council considers that the proposed development would comprise a substantial expansion to and change the nature of the Rushden Lakes shopping and leisure complex. As such, the resulting complex would effectively replicate and resemble a town centre environment in an out-of-centre location to the detriment of the vitality and viability of surrounding town centres, including Northampton Town Centre which is already beginning to be negatively impacted on by the existing Rushden Lakes development. Furthermore, the Council would take this opportunity to highlight that the application documents contain a number of inconsistencies, such as relating to parking numbers and proposed uses as detailed in the Committee Report. Moreover, the Council would respectfully suggest that the industrial elements of the proposal appear to comprise quasi retail units, which would cumulatively add to retail impacts, and the poor servicing and design of these units would likely result in pressure for them to change to wholly retail units in the future.

Decision Letter
Yours sincerely

[Redacted]

Head of Planning – Planning Service
Appendix 2.6

Borough Council of Wellingborough
Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990

Proposal: Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) at Land west of Rushden Lakes Ditchford Lane Rushden Northamptonshire.

The Planning Committee which met on 21 August 2019 resolved to object to the above application:

The Borough Council of Wellingborough has substantial concerns over the further extension/expansion of the Rushden Lakes site in advance of an assessment of the current impacts on Wellingborough based on actual results and specifically the type of units being proposed in this extension which could increase the direct competition between the site and Wellingborough town centre, contrary to policy 12 of the JCS and section 7 of the NPPF.

Should East Northants Council in weighing the planning balance decide to approve the application, then appropriate mitigation should be put in place to reduce the impact on Wellingborough town centre. The details of this mitigation should be agreed with the Borough Council of Wellingborough. In addition the application should be subject to a 'no poach condition' and a restriction on the amount of 'fashion floor space'.

Yours faithfully,

[Signature]

Director of Place and Strategic Growth.

Swanspool House, Doddington Road, Wellingborough, Northamptonshire NN8 1BP

www.wellingborough.gov.uk
Appendix 2.7

Peterborough City Council
Dear Sir/Madam

Planning enquiry

Proposal: Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) at Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire

Site address: Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire

Your client: East Northamptonshire Council

Further to your enquiry received on 2 July 2019, in respect of the above, the Local Planning Authority makes the following comments:

Peterborough City Council, as adjacent Local Planning Authority, has no comments to make in respect of application reference 19/01092/FUL.

I trust that the above advice is of use however should you have any further queries, please do not hesitate to contact me on the details shown at the top of this letter.

Yours faithfully

Team Manager - Development Management
Appendix 2.8

Bedford Borough Council
TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER

BBC APPLICATION NO: 19/01432/LPA

To: East Northamptonshire Council
    Cedar Drive
    Thrapston
    Northamptonshire
    NN14 4LZ

Bedford Borough Council DOES NOT OBJECT to the development as set out on your website for application reference no 18/01092/FUL. Where necessary our further comments are set out below.

APPLICANT: East Northamptonshire Council

LOCATION: Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire

PARTICULARS OF DEVELOPMENT:

(This application is not being determined by Bedford Borough Council. Please contact the Applicant for details or to make comments)

18/01092/FUL- Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units and retail units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works. (resubmission of 18/01197/FUL) To view online go to www.east-northamptonshire.gov.uk/publicaccess.

COMMENT

This application is a consultation from East Northamptonshire Council regarding a revised planning application for a mixed use development at Rushden Lakes in Northamptonshire. Bedford Borough Council has previously been consulted on a larger scale application ref 18/02463/LPA to which no objection was raised. That application was withdrawn.

The current proposal is a reduced version to that previously proposed and the Council again raises no objection to the development.

No public consultation has been carried out as Bedford Borough Council are a consultee on the proposal.

Signed:

[Signature]

Director of Environment

Planning, 4th Floor, Borough Hall,
Cauldwell Street, Bedford MK42 9AP
Decision Date: 1 August 2019

OFFICER REPORT The Officer Report is for information and does not form part of the Decision Notice

SITE DESCRIPTION and PROPOSED DEVELOPMENT

The application has been carefully assessed and Bedford Borough Council do not wish to object to the development.

CONSULTATION RESPONSES

NEIGHBOUR COMMENTS

Not applicable.

ASSESSMENT OF APPLICATION

This application is a consultation from East Northamptonshire Council regarding a revised planning application for a mixed use development at Rushden Lakes in Northamptonshire. Bedford Borough Council has previously been consulted on a larger scale application ref 18/02463/LPA to which no objection was raised. That application was withdrawn.

The current proposal is a reduced version to that previously proposed and the Council again raises no objection to the development.

No public consultation has been carried out as Bedford Borough Council are a consultee on the proposal.
Appendix 2.9

Secretary of State – Planning Casework Unit
From: [Redacted]  
Sent: 05 July 2019 16:49  
To: PLANNING  
Subject: RE: East Northamptonshire Council Planning Application Consultation 19/01092/FUL

I acknowledge receipt of the environmental statement relating to the above proposal.

I confirm that we have no comments to make on the environmental statement.

Regards,

[Redacted]  
Corporate & Casework Team Support Officer Planning Casework Unit (PCU) SE Quarter, Third Floor, Fry Building, 2 Marsham Street, London SW1P 4DF [Redacted]

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From: planning@east-northamptonshire.gov.uk <planning@east-northamptonshire.gov.uk>  
Sent: 02 July 2019 10:08  
To: [Redacted]  
Subject: East Northamptonshire Council Planning Application Consultation 19/01092/FUL

I hereby notify you that application 19/01092/FUL has been received by East Northamptonshire Council.

Please find further details in the attached consultation letter.

If responding by e-mail, please reply to planning@east-northamptonshire.gov.uk and NOT the case officer. Your response will be forwarded.

The planning application documents can be viewed by using this link:  
http://www.east-northamptonshire.gov.uk/viewplanningapplications

Planning Services  
East Northamptonshire Council  
01832 742225

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Appendix 2.10

Highways England
Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)
Formal Recommendation to an Application for Planning Permission

From: [Name] (Divisional Director),
Operations Directorate
Midlands Region
Highways England

To: East Northamptonshire Council

CC:

Council's Reference: 19/01092/FUL

Referring to the planning application referenced above, consultation dated 2 July 2019, for the proposed erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units and retail units with some matters reserved (layout, scale, appearance), and construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works at Land West of Rushden Lakes, Ditchford Lane, Rushden, Northamptonshire, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection;

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);

d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).

Highways Act Section 175B is relevant to this application.
This represents Highways England’s formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [blank]

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Date: 17 July 2019</th>
</tr>
</thead>
</table>

| Name: [blank] | Position: Spatial Planning & Economic Development Manager |

Highways England:
Highways England, The Cube, 199 Wharfside Street, Birmingham, B1 1RN
Annex A Highways England recommends that conditions should be attached to any planning permission that may be granted

HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to application reference 19/01092/FUL and has been prepared by Martin Seldon.

Having reviewed the information submitted in support of this application, we recommend that the following conditions should be attached to any planning permission that may be granted:

Condition 1:
Highway mitigation measures at A45 Ditchford Interchange as per Vectos Drawing VD18750 HE-VEC-HGN-RDBT-DR-CH-D100.1 Rev P01 (or as amended by Road Safety Audit and/or Detailed Design) must be delivered and open to traffic prior to the first occupation of the development, unless otherwise agreed with the Local Planning Authority in consultation with Highways England.

Condition 2:
Prior to the construction of the proposed development and improvement scheme at Ditchford Interchange a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) for the construction shall be submitted to and approved by the Local Planning Authority, in conjunction with Highways England, prior to the commencement of any works. The approved plan shall be adhered to throughout the construction period.

Reason for Condition 1:
To ensure that the A45 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 in the interests of road safety.

Reason for Condition 2:
To ensure that the construction works do not impact the operation of A45 and thereby continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 in the interests of road safety.

Informative note to applicant:
The highway mitigation works associated with this development involves works within the public highway, which is land over which you have no control. Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highways
England Section 278 Service Delivery Manager [REDACTED] to discuss these matters on

The applicant should also be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is [REDACTED].
Appendix 2.11

Northamptonshire Police – Crime Prevention Design Advisor
This Message originated outside your organisation,

Re: 19/01092/FUL | Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) | Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire

Dean,

Northamptonshire Police would like to bring to the attention of the planning authority certain observations and strongly suggests that the following concerns are addressed prior to any decision is arrived. Until these issues are discussed and agreed Northamptonshire Police cannot recommend this application be approved as proposed. It is our impression that designing out crime may not have been fully considered and therefore this application does not comply with National planning policy or the North Northamptonshire Joint Core Strategy (2016) which states - Policy 8 (e iv), 'Seeking to Design out antisocial behaviour and crime and reduce the fear of crime through the creation of safe environments that benefit from natural surveillance, defensible spaces and other security measures having regard to the principles of Secured by Design'.

On submission of revised details or the imposition of appropriate agreed pre-commensurate conditions our concerns may be removed. Many of my concerns have previously been discussed with the applicant's representative and agreed. Some of the measures have been briefly referenced within the D & A statement however are not detailed on the submitted layouts. The following concerns/recommendations if considered and implemented will help reduce any future likelihood of crime, disorder and anti-social behaviour occurring:

- My initial concern refers to site access control both from existing internal routes and the proposed 'Ditchford Road Link Road. A statement is required to ascertain what measures will be in place to restrict vehicle movement from the east via the existing service delivery road during out of hours periods. I attach my consultation response for the initial application (18/00004/FUL) for the 'Link Road', these comments still apply. These concerns were also expressed by Northamptonshire Highways in there intial consultation response; 'The access road will remain private however, it is not clear how access into it will be controlled. It is suggested that barriers should be provided near the public highway boundary to prevent unsocial activity outside opening hours. Further information should be provided as to how access will be controlled and for which hours it will be in place'.

- The Service yard must be secure, as referenced, to prevent both unauthorised pedestrian and vehicular access. A boundary treatment drawing should be
submitted for the development.

- I also recommend that a CCTV/ANPR scheme be submitted which I believe will be an extension to the existing system which is controlled/monitored 24/7 from the main customer service/security office.
- A 'crime impact/strategy statement' should be submitted and should include management practises and how the new development ties in with existing measures and procedures.

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

Regards

C0356 - Crime Prevention Design Advisor - Prevention and Community Protection Department.

Address: Northern Area HQ, Northamptonshire Police, Cherry Hall Road, Kettering, NN14 1UE
In my absence please contact extension 343989

NORTHAMPTONSHIRE POLICE - Visit us at http://www.northants.police.uk.

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Appendix 2.12

Natural England
Date: 01 August 2019
Our ref: 287988
Your ref: 19/01092/FUL

FAO East Northamptonshire Council

BY EMAIL ONLY

Planning consultation: Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)

Location: Land West Of Rushden Lakes, Ditchford, Lane Rushden Northamptonshire

Thank you for your consultation on the above dated 02 July 2019 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON THE UPPER NENE VALLEY GRAVEL PITS SPECIAL PROTECTION AREA, SITE OF SPECIAL SCIENTIFIC INTEREST AND RAMSAR.

As submitted, the application could have potential significant effects on the above designated sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:
- Clarity regarding the purpose and conclusions of the HRA
- Justification of relevant survey efforts and provision of correct survey effort
- Clarity on the evidence for bats in the disused railway tunnel, including a mitigation strategy
- Justifications regarding recreational impacts, including a mitigation strategy
- A clear mitigation strategy for the entire project, which provides a biodiversity net gain.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.
Natural England Response History

18/01197/FUL (Letter dated 26 July 2018; Our Ref: 252054): We requested further information in the form of (i) Robust mitigation against the disturbance of the notified bird populations within the SPA, including the diversion of people away from Ditchford Lakes; (ii) Sufficient demonstration that significant disturbance to the notified bird populations will be avoided; and (iii) A detailed access management strategy.

18/01197/FUL Amended Documents (Email dated 03 October 2018; Our Ref: 259508): Following the provision of an Appendix 7.6, NE stated that NE are satisfied with the conclusion that there will be no significant disturbance to key species using the lakes in Ditchford Reserve LWS, Skew Bridge Ski Lake, Delta Pit Lake or other nearby lakes within the SPA and Ramsar thereby addressing point (ii) above.

We also note that in relation to point (iii) above that although the Access Management Strategy has not been produced, NE understands that there are reasons why this would be difficult to do at the moment, and are happy in their clear commitment to provide such a strategy.

In relation to point (i) above, we write that we note that Appendix 2 of Appendix 7.6 has been added, which lists measures the developer is willing to provide in the strategy. NE considers that a combination of these measures could definitely be effective in managing access.

Overall, the amended document allowed NE to be satisfied with the proposals subject to the drawing up of a legal agreement that uses the proposed wording in Appendix 2. We also highlighted that we would need to be consulted on the Access Management Strategy and proposed pedestrian access strategy, and both of these would need to be implemented prior to occupation.

Present Application: 19/01092/FUL Hybrid

SPA Background:

The disused sand and gravel pits extend for approximately 35 kilometres along the alluvial deposits of the River Nene floodplain from Clifford Hill on the southern outskirts of Northampton, downstream to Thorpe Waterville, north of Thrapsdon. They form an extensive series of shallow and deep open waters which occur in association with a wide range of marginal features, such as sparsely-vegetated islands, gravel bars and shorelines, and habitats including reedswamp, marsh, wet ditches, rush pasture, rough grassland and scattered scrub. This range of habitat and the varied topography of the lagoons provide valuable resting and feeding conditions for major concentrations of wintering waterbirds, especially ducks and waders. Species such as golden plover Pluvialis apricaria and lapwing Vanellus vanellus also spend time feeding and roosting on surrounding agricultural land outside the SPA.

Additional Information required:

1. We have concerns about the conclusions of the Habitats Regulations Assessment (paragraph 5.1.5 of Appendix 7.6)

Here are our more detailed comments:

Appendix 7.6 is the report to Inform the Habitats Regulation Assessment. Within paragraphs 1.1.3 and 2.3.8 it is unclear where the overlap between the site boundaries for Garden Square 17/02559/FUL, the Approved Leisure and Retail 2016 Scheme 16/01662/FUL and Redevelopment of Rushden Lakes 15/01127/VAR occur. Whilst we agree that the HRA should be assessed in combination with other plans and projects, it is unclear how the present proposal will overlap with the aforementioned plans which have been agreed and are either under construction or built out. The appended Figures do not show a physical
overlap in projects. Further information / clarification should be provided to address this.

The specific purpose of the HRA is unclear. Within 1.1.5 it is stated that the purpose of this report is to inform a Habitats Regulation Assessment (HRA) in compliance with Regulation 63(1) of The Conservation of Habitats and Species Regulations 20172 for the Proposed Development, the Approved Leisure and Retail 2016 Scheme and Garden Square. Please note that the report should inform preparation of the HRA by the Council, as Competent Authority under the Habitats Regulations. Our advice is that the potential impact of this present proposal should be considered independently of adjacent schemes first, before being considered in-combination with other plans and projects.

1.16 states that the report considers the in-combination effects resulting from the introduction of approximately 19,000 new homes... it would be very helpful if a source was cited for this figure.

Within 1.17 the report concludes that there would be no adverse effects in-combination effects [repeated word] as each of the developments are not anticipated to have adverse effects on their own, let alone in combination with the other developments due to their locations and the embedded design measures being provided by each of the developments. It is unclear whether the words "other developments" within this conclusion refers to the assessment of the 19,000 new homes or the adjacent approved schemes forming Rushden Lakes. Clarification should be provided.

2.4.7 states that the Application Site is not considered to be located within functionally linked land associated with the nearby Upper Nene Valley Gravel Pits SPA and Ramsar. The reason for this judgement is given in 2.4.8, which reads that the land within the Application Site is dominated by scrub and arable land with a narrow corridor of grassland north of the disused railway embankment. The habitats within the Application Site are not suitable for maintaining or restoring the populations of any of the qualifying species that have been recorded nearby in Ditchford Reserve, Skew Bridge Lakes or Wilson’s Pits LWSs. We advise that further clarification / evidence is provided to explain why these habitats would not be suitable for / capable of supporting SPA qualifying species.

It is important that the conclusion of no Functional Linkage is verified with reference to overwintering bird surveys, an assessment of the exact locations and numbers of birds recorded at nearby records centres and within WeBS records. We note this assessment is not within or appended to the HRA; please ensure this is included in the revised report.

We typically use >1% of an SPA bird population as a threshold for significance. There are a number of criteria that need to be assessed to reach a conclusion on Functional Linkage. Some key criteria are as follows:

- Distance from designated sites – the golden plover foraging range is 15-20 km (but reduced sensitivity beyond 10km)
- Habitat types present/land use – plover would generally prefer grassland parcels to arable parcels (BTO research)
- Size and shape of land parcel
- Public access
- Presence of edge features such as hedgerows, which decrease suitability.

In relation to 3.1.6 and the People over Wind caselaw, the HRA states that the Proposed Development as amended differs from the above legal case (C323/17) in that the embedded EIA mitigation measures (excluding the proposed detailed access and habitat management plan for Ditchford Reserve (Appendix 2) are detailed within planning application documents and will be secured through the planning process, rather than being detailed postplanning. This allows assessment and conclusions regarding the impacts of these measures to
be made. We look to your authority to provide judgement on whether this proposal is an exception to recent caselaw, and therefore whether your HRA should incorporate Appropriate Assessment.

We would also like to point out that paragraph 5.1.2 is contrary to 1.1.7 as mentioned above and reads that the Proposed Development on its own and in combination with the Approved Leisure and Retail 2016 Scheme and Garden Square during construction and post-construction have the potential to cause habitat loss, noise, air and water pollution and as well as visual effects that could adversely affect the qualifying species within the designated area. Therefore, the following conditions/embedded design measures will be implemented... Again, we look to your authority to consider whether this proposal is an exception to recent caselaw, and whether the conclusion within 5.1.5 can be made considering the underlined text above.

2. The majority of survey effort is not bespoke to this present proposal

Survey effort is in general not up-to-date or bespoke to the present proposal. Please refer to the CIEEM EcIA guidance: 3.12 of this guidance states that details of how methods have been tailored to meet the needs of the study should be included; and 3.13 states that any limitations of surveys, such as information, access or seasonal constraints, should be outlined (see BS 4202044, clause 6.7). However, these limitations should be avoided wherever possible, for example by undertaking additional surveys. Within this application, effort is sometimes concentrated to the East of the site in areas already surveyed for the purposes of the adjacent developments. Whilst these previous surveys provide useful data points to inform the present application, surveys that are recent, bespoke, and include at least the entire red line boundary are required. A clear rationale should be provided for any departure from ecological best practice guidance on survey effort. The implications of this on the robustness of the assessment and its conclusions will need to be provided.

For example:

- Appendix 7.7 is the Ornithological Review for Rushden Lakes. This review does not cover the proposed site.
- Appendix 7.4 is the Reptile Survey Report. This work was commissioned and completed in 2011 and is therefore approximately 6 years out of date.
- Appendix 7.3 is the Breeding Bird Survey Report. This comprises of works commissioned for Rushden Lakes in 2015 and 2011, records centre search requests from 2010 – again this is out of date.
- Appendix 7.2 is the Wintering Bird Survey Report. This report again comprises of works commissioned in 2015, 2011 and dated (2010) records searches. There are no bespoke winter bird surveys for proposal (Appendix 7.3, para 1.1.3). These are required to inform the HRA and to confirm overall suitability for development in this location.

Further, we are concerned that Ditchford LWS is recorded as semi-improved grassland (Appendix 1 of Appendix 7.1); the LWS is actually species rich grassland. We also advise that the applicant should contact the Wildlife Trust for a full species list for the site.

3. The evidence for the importance of bats on-site is uncertain

We are concerned that key paragraphs relating to bats have been redacted from the Environmental Statement.

Critically, we are concerned that the bat report cannot confirm that bats do not roost within the disused railway tunnel. In the absence of this evidence the precautionary approach (which assumes that bats do roost here) needs to be taken in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (amended). The 2016 survey effort found the tunnel has "moderate potential" for roosts, and it was not
possible for the surveyors to rule out the possibility of bat roosts within the tunnel. It is clear that a more comprehensive survey effort is required, in particular, to include hibernation, maternity and swarming potential.

Further, the report suggests bats were spotted travelling from the tunnel entrance, however paragraph 7.4.62 does not explain how the surveyors distinguished between bats that were emerging or commuting (4.3 Bat Report).

It would be useful if the bat survey data collected on-site were compared with the records from the monitoring work done by the Wildlife Trust at Skew Bridge. The desk study data for bats should include this assessment to assist with understanding the presence of bats within the immediate area.

Appendix 7.8 is the Bat Report, which only assesses bats in association with the railway tunnel. The assessments were undertaken in 2016, and therefore are not recent surveys. The importance of other site features for bats e.g. hedgerows for commuting are not surveyed.

Based on the above, we advise the tunnel should be retained within the proposed development due to its likely importance for bats. We again advise that appropriate up-to-date surveys are undertaken.

4. Recreational impacts have not been fully considered

We welcome the circular walk provided within the semi-natural open space on-site. However it would be logical to anticipate the development would encourage more people to walk through Ditchford LWS into the SPA.

Appendix 4.2 is the Pedestrian Access Plan. Recreational impacts on the SPA are a significant concern with this present proposal. There is a need to justify all paths connecting to permissive routes into the SPA, and to put measures in place to divert the public to less sensitive areas. This justification, and mitigation, needs to be provided within the application.

As within our 03 October 2018 advice as discussed above, we maintain that we would need to be consulted on an appropriate pedestrian access strategy and Access and Habitat Management Plan. We advise that it is beneficial to agree these strategies early on, in order to ensure the best management of recreational pressure within the SPA through DAS.

5. The mitigation is not appropriate, nor does it clearly demonstrate a biodiversity net gain

We welcome the wildflower areas proposed within your current plans and would be interested in understanding how the Northamptonshire Habitat Opportunity Mapping has assisted with this proposal.

Whilst we approve of the reduced proposed development in comparison to the previous application – as well as the increased area of semi-natural open space - our key concern is that the only mitigation provided by the project (section 7.6.5 of Biodiversity chapter) is that signs and leaflets will be provided encouraging visitors to keep the footpaths provided and keep their dogs on leads at all times. We expect an obvious and set-out biodiversity net gain to be provided.

It is not known whether the land the proposal sits on is Functionally Linked, or the importance of the site for bats. We advise that a bat mitigation strategy, or similar document, should be provided along with details of measures to mitigate the potential loss of Functionally Linked Land. The survey reports need to be able to say with confidence what is on site and how the site is being used by species: they are currently inconclusive.
Other Advice

Further information should be provided to address the following additional key concerns:

- Diffuse water pollution running into the Nene via the proposed drainage systems needs sufficient controls.
- The flow of water running into the Nene needs to be strictly controlled because the availability of grassland for birds to feed on within the SPA is sensitive to water level changes.
- Appendix 9.2 shows the entire site is grade 3a Best and Most Versatile Land, but there are no proposals to mitigate for the loss of this productive land.

We note that Marian Cameron consultants on behalf of the Applicant have submitted an undefined scope DAS request to Natural England on 26 July 2019 in order to discuss development around Rushden Lakes.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.

Please consult us again once the information requested above, has been provided.

If you have any queries relating to the advice in this letter please contact me on 02080263523.

Yours sincerely

[Name]
Lead Planning Adviser
Appendix 2.13
Commission for Dark Skies
Dear Dean,

Thank you for requesting Commission for Dark Skies comments on this Hybrid Application. Our comments are based upon the information within Environmental Impact Assessment 14, Lighting and Night time and 14.2 Lighting Design Strategy.

The applicant has produced a very comprehensive set of documents outlining the proposed exterior lighting scheme, it’s potential effect on flora and fauna and the proposed design strategies to minimise this negative effect. CFDS welcomes this responsible approach to preserving the night time environment and we agree that the development should fall within an Environmental Zone E2 with Low District Brightness.

Within the Appendix 14.1 we see night time photographs taken from a number of viewpoints to demonstrate the background levels of light pollution already present proximal to the application site. These make for rather grim viewing and clearly demonstrate the high levels of energy waste from bad lighting. This said, we note from the photos that the present Rushden Lakes site produces very little, additional light pollution. We expected this to be the case due to the general well designed and responsible lighting scheme that was proposed and fitted at the time. Moving to the present application, from the information within the Lighting Design Strategy, CFDS does not consider that the new application will cause additional energy waste from light pollution.

Recommendations:
1) Set Condition that the final exterior lighting installations meet the parameters set out in the Lighting Design Strategy and this condition is set in perpetuity to include retrofit lighting in the future.

Reasons:
To ensure the development meets NPPF Paragraph 180.C, Section 102 CNE Act and NNJPU Joint Core Strategy Point 4iii.

Yours Sincerely,

[Name]

Dark Skies.

Email: [Email]
Mobile: [Number]
CV
Appendix 2.14

Environment Agency
Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)

Thank you for referring the above application on 02 July 2019.

The Flood Risk Assessment (FRA) demonstrates that the sequential approach to development has been applied, with built development located in Flood Zone 1. The applicant has also included a buffer between the edge of the floodplain and any built development.

The supporting information includes an updated version of the Desktop Study and Land Quality Statement previously reviewed, and does not change our understanding of the risks to controlled waters. As such, our comments remain the same as our previous response (ref: AN/2018/127669/01).

We have no objections to the proposed development, as submitted, subject to the inclusion of the following conditions on any subsequent planning permission that may be granted.

Condition
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the
local planning authority. The remediation strategy shall be implemented as approved.

**Reason**
To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

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

In accordance with the NPPG (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made or an application being withdrawn.

We ask to be consulted on the details submitted for approval to your authority to discharge this condition and on any subsequent amendments/alterations.

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

Yours sincerely

Sustainable Places - Planning Adviser
Appendix 2.15

The Wildlife Trusts

(3 No. responses)
East Northamptonshire Council
Cedar Drive
Thrapston
Northamptonshire
NN14 4LZ

16th August 2019

Application Number: 19/01092/FUL
Location: Land west of Rushden Lakes, Ditchford Road, Rushden
Proposal: Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)

Thank you for the opportunity to comment on the above proposal. This application site is within an ecological sensitive area due to its proximity to the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and its associated Local Wildlife Sites and linked habitats. It is, therefore, important that any planning application is particularly careful to assess the potential effects of their proposal and avoids harmful impacts. We would like to make the following comments on this application to highlight a couple of issues.

Ditchford Reserve Local Wildlife Site
A section of Ditchford Reserve Local Wildlife Site (LWS) is within the current proposal for the creation of a series of ponds as part of the drainage strategy. Whilst the creation of ponds has the potential to be beneficial to wildlife and protect sensitive ecological features downstream, they need to be designed, implemented and monitored carefully. We are pleased to see that the application will include the creation of a CEMP and Landscape and Ecology Management Plan. Within these, we would suggest that the following are clearly included:

- Protection of the remainder of the LWS during the construction of the ponds.
- Measures to ensure that the water quality of the ditches within Ditchford Nature Reserve (which link to the SPA) are not degraded. It is important that the water quality is monitored and features used to improve it are maintained during the lifetime of the development.
- The ponds are created and managed to maximise their potential for biodiversity.

Survey Effort
Whilst we acknowledge that considerable survey effort has occurred around the proposed development site for many years, we would like to stress that as plans evolve it is vital that these surveys are kept up-to-date and are specific to the proposal. We are not convinced that this is currently the case for this application and would advise that further specific survey work is required. Of particular importance is the relationship

www.wildlifebcn.org  @wildlifebcn  /wildlifebcn

The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire
Registered Office: The Wildlife Trust, The Manor House, Broad Street, Great Cambourne, Cambridge CB23 6DH
Registered in England : 2534145. Registered Charity No. 1000412
of this application site to the SPA. This should cover the use of the site by all qualifying species and recognize that the behaviour of many species is dynamic.

I hope that our comments on this proposal are taken into account. If you have any further queries, please do not hesitate to contact me.

Yours sincerely,

pp

Conservation Officer (Northamptonshire)
Application Number: 19/01092/FUL
Location: Land west of Rushden Lakes, Ditchford Road, Rushden
Proposal: Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)

We have recently received additional information regarding this application and therefore would like to submit an update to our comments dated 9th August 2019. One of our areas of concern was the survey effort which had been presented as part of the proposal. We have been pleased to receive the preliminary results of the ecological surveys which have been undertaken over the course of this survey season. These surveys are in addition to the work already submitted as part of the application. They have included surveys for breeding birds, bat activity, reptiles and badgers on the application site. The initial results included:

- a number of red and amber list bird species breeding on the application site, as well as a barn owl on adjacent land,
- no evidence of bat roosting within the tunnel, although several species have been recorded using the wider site and analysis of the results is ongoing,
- a small populations of grass snake on the application site,
- an outlier badger sett within the area proposed as greenspace.

Whilst we look forward to receiving the full reports, we are now satisfied with the level of survey effort included. Please note that are comments regarding Ditchford Reserve Local Wildlife Site are still relevant.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely,

Conservation Officer (Northamptonshire)
Dear all,

Many thanks for sharing this information, and the one sent on Katharine's e-mail on 07/08/2019.

I have read NE's letter, and they have really been comprehensive in their comments. Having gone through some of the main files myself, and being aware that your comments have been already sent up to the planning authority, I just wanted to highlight one additional aspect, linked to the access to Ditchford and the building works:

There is a new path along the W ditch on the North meadow, and this makes three paths in the same meadow. Leaving just the diagonal right of way and the link to Skew Bridge would reduce impacts of footfall in the ground/wildlife (e.g. bird activity in the W hedgerow will surely be affected; the grasshopper warbler, a qualifying sp for the SSSI, is present in summer at the hedgerow on the S of the wet grassland at Ditchford; the construction environmental mitigation measures only consider the winter period, and maybe some seasonal building impact mitigation measures in spring/summer could be considered).

Finally, it is funny to see that (quite opportunistically) the paths linking to Skew Bridge are suddenly part of the “Approved November 2015 Scheme”. The path going through the play area had been until now highlighted as made by the WT, and therefore under our responsibility.

Best regards,
Please find attached comments from the Wildlife Trust in respect of the Rushden Living planning application, 19/01092/FUL. Please let me know if you need any further clarification in respect of any of the comments.

Yours sincerely,

Conservation Manager (Bedfordshire and Northamptonshire)

The Wildlife Trust for Bedfordshire, Cambridgeshire & Northamptonshire
Lings House, off Lings Way, Billing Lings, Northampton, NN3 8BE

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Nene Wetlands Senior Ranger

The Wildlife Trust for Bedfordshire, Cambridgeshire & Northamptonshire
Rushden Lakes Visitor Centre Boardwalk Rushden Lakes, Rushden, Northamptonshire, NN10 6FA

We work to make our three counties a place where nature can flourish and enrich the lives of the people who live here. With your help we care for local wildlife and more than 100 nature reserves. Volunteering your time or donating money to us will directly benefit local wildlife.

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Appendix 2.16

Western Power Distribution
Sent: 03 July 2019 10:12

Subject: 19/01092/FUL Land West Of Rushden Lakes Ditchford Lane Rushden

This Message originated outside your organisation.

As the Electricity Distribution Network Operator covering this area it is likely that we have assets, such as Electricity Substations, Poles, Overhead conductors, transformers, Cables and Link-Boxes in the vicinity.

Safety guidance for underground (HG47) and overhead (GS6) electricity equipment, including planning work, using cable plans and safe digging practices can be found at HSE.gov

We are able to provide plans showing our assets in the vicinity. Please contact us via our website.

Kind regards,

Western Power Distribution
Robinson Way | Telford Way Ind Est | Kettering | NN16 8PT

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Registered in England and Wales
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Registered Office: Avonbank, Feeder Road, Bristol, BS2 0TB

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If you have received this email in error please notify postmaster@westernpower.co.uk
Appendix 2.17

BPA
Appendix 2.17 – BPA response from Uniform

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Proposing

Hybrid application comprising A full application for the erection of retail unit, restaurant units, office floorspace, physiotherapy/leisure floorspace.

Standard Consultees

- FOFO - Northamptonshire Fdn
- SHC - Head Of Transport
- NCC - Northamptonshire G
- NCCFLO - The Flood and W.
- BJP - Second Site Property
- CAD - Cadent Gas
- DIARK - Campaign For Dark
- FVA - The Environment Age
- GPS - EPA

Consultees Comments

BPA

NOT IN ZONE OF INTEREST

Thank you for your correspondence as listed above.

We are not aware that any 8% maintained apparatus falls within the working area as searched.

However, if the location of your work should change please contact BPA.

Contacts
Appendix 2.18

Cadent Gas
Comment now on DMS 😊

Sent 25 July 2019 13:24

Subject: EM_GE3A_3NWP_018648 Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire

This message originated outside your organisation.

I remember this planning application previously, at first we objected and then removed our objection after assurances the High Pressure gas pipeline would be protected to our standards.

It's hard to see what's different with this re-submitted application that will affect our HP gas pipeline in a different way.

We would not object but we would be most grateful if you could please raise an informative with the applicant that our High Pressure gas pipeline must be protected to our specifications and standards and Cadent must be liaised with and consulted before any work that may affect the HP gas pipeline.

Regards

Network technician
Cadent

This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the e-mail and any attachments. You should not disclose, copy or take any action in reliance on this transmission.

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Appendix 2.19
Williams Gallagher on behalf of Ellandi
(owners of Newlands Centre, Kettering)
27 August 2019

East Northamptonshire Council
Development Control
Cedar Drive
Thrapston
Northamptonshire
NN14 4LZ

Sent by Email

APPLICATION BY ANONYMOUS LTD (APPLICATION REF: 19/01092/FUL)
HYBRID APPLICATION FOR ‘RUSHDEN LIVING’
OBJECTION ON BEHALF OF P R KETTERING LIMITED (C/O ELLANDI LLP)

Following the withdrawal of Application ref 18/01197/FUL known as ‘Rushden Living’ on 18 June 2019, we note that the Applicant (“Anonymous Ltd”) has submitted a new application (Reference 19/01092/FUL) for the development of the same site. This is being referred to as ‘Rushden Living 2019’.

We have reviewed this latest application on behalf of our client, P R Kettering Limited (c/o Ellandi LLP), the owners of the Newlands Shopping Centre in Kettering Town Centre, and we are now writing to object to the application on the grounds set out below.

In doing so we make reference to a number of key documents relating both to the current application and the earlier submission outlined above, namely:

- Planning Statement (PS2) by Quod which accompanies the current application;
- Retail Assessment (RA2) by Burnett Planning (BP) which accompanies the current application;
- Transport Assessment (TA) by Vectos, which accompanies the current application;
- Letter from Planning Prospects (PP) reviewing the original Rushden Living application from a retail and centre policy perspective dated 20 December 2018;
- Planning Statement (PS1) by Quod which accompanied Application ref: 18/01197/FUL; and
- Retail Assessment (RA2) by Burnett Planning (BP) which accompanied Application ref: 18/01197/FUL.

The Application Proposal

The Rushden Living 2019 application is a hybrid application comprising:

“A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and

Williams Gallagher Town Planning Solutions Ltd is a Private Limited Company Registered in England and Wales No. 10475955; Registered Office: 71 Leeds Street, Bewdley, DY12 2AW
Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL)

The 2018 scheme proposed a total of 11,903 sqm GIA of floorspace, much of it for retail and town centre uses and was the subject of various objections, including two from ourselves on behalf of our client, dated 11 October 2018 and 22 January 2019. It was recommended for refusal by the Council’s retail planning consultants (PP, page 10), on the basis that the impact of the proposal would be "significantly adverse" in NPPF terms.

The new application is for a smaller development on the same site, with the total floorspace reduced from 11,903 sqm to 5,606 sqm (PS2, para 3.1). The A1 retail uses are reduced to 1,294 sqm from 9,748 sqm and A3 uses are 464 sqm compared with 929 sqm previously (although this was previously to be instead of, rather than in addition to the A1 uses, as is now proposed) (PS2, Table 3.1).

However, the scheme proposes an uplift in D1 / D2 floorspace from 264 sqm to 635 sqm, as well as an almost doubling of B1(c) and B2 uses to 2,809 sqm. B1(a) and ancillary floorspace would be unchanged.

Specifically, the applicant is seeking consent for the following elements:

- 922 sqm gross of A1 convenience floorspace in two units of 690 sqm and 232 sqm. It is proposed that the larger unit would be occupied by 'Made in Northamptonshire' (MIN) which would provide a retail outlet for local producers (RA2, para 1.4). The other unit could also sell local produce (RA2, para 1.4).
- A non-food unit of 372 sqm gross (RA2, para 1.7). A ‘no poaching’ condition is proposed to prevent the relocation of any retailer from the surrounding town centres (PS2, para 7.6) but the use would otherwise be unrestricted. As such the proposed unit could be used on whole or in part for the sale of clothing and footwear (RA2, para 1.7; PS2, para 3.7);
- 464 sqm gross of A3 uses in 2 units (RA2, para 1.8);
- Floorspace totaling 635 sqm gross for Class D1/D2 uses. It is proposed that this would include 264 sqm of mezzanine floorspace for a physiotherapy/strength conditioning use (RA, para 1.11), a 139 sqm gross unit for use as a dental surgery and a 232 sqm creche. BP seeks to suggest this is different to a town centre use as defined by the NPPF (RA2, paras 111 –112) and so no sequential or impact analysis is undertaken for these elements and
- Up to 2,919 sqm of B Class and ancillary uses (PS2, Table 3.1). This would be provided in six units, one of which (Unit 5) is being applied for in outline. All other aspects of the development form part of the full planning application. The units are indicated as being for local businesses, with the units providing the opportunity 'for local artisans and manufacturers to showcase their brands and explain the manufacturing process, whilst also accommodating occupiers in the homes and lifestyle sector seeking a bespoke headquarters or campus location' (RS2, para 6.40). This element of the application is not considered in detail in our review, but we provide some comments below given this element of the scheme is a relevant consideration for the parameters used in the sequential site assessment.

Notwithstanding the above, we note that, other than the 'no poaching' condition proposed by the applicant, there is nothing in the application submission to ensure that the floorspace would be used in the way indicated. The proposed end uses therefore need to be treated with caution and the application should be assessed on the basis that all uses could be for any purpose within the relevant Use Class. This has implications for how the impact of the development is assessed and the way the sequential test is applied.

We also disagree that it is not necessary to consider the implications of the proposed D1 / D2 uses. The proposed physiotherapy and strength conditioning use could be a 'more intensive sport and recreation use' and as such would be subject to the same policy tests as the retail floorspace. Also, all three uses would be appropriate within a town centre and would, if located there, help to support its vitality, in accordance with the latest Planning Practice Guidance (PPG Town centres and retail, para 001, Reference ID: 2b-001-20190722).
Principle of Development

The 2019 application represents a welcome reduction in the quantum of new retail and town centre floorspace being proposed on the application site, compared with that in 2018, but our client’s concern relates not just to the quantum of floorspace but also to the offer, which is clearly targeted at a range of local businesses, including the ‘Made in Northamptonshire’ (MIN) concept (PS2, para 3.10).

Whilst an initiative to support local business and sustainable business practices is to be commended, it must be recognised that there is no reason why such a use has to be located at Rushden Lakes, and indeed, it would seem to be counter to the ethos behind the project, in that the ‘buy local’ philosophy (PS2, para 1.3) will require customers to travel by car to access it.

In contrast locating the same scheme in a sustainable town centre location would provide the same ‘buy local’ benefits but with the added benefits of allowing travel by sustainable means and supporting the town centre. As such, we would urge the Council to give very little weight to this attractive but misguided element of the application proposal.

We are also very concerned that in practice the reduction in floorspace is only a ‘temporary’ one. The new scheme is not large enough to achieve many of the claims made by the Applicant as to its purpose and how it would trade, and it is too remote in its current form to benefit from the proximity of Rushden Lakes. We therefore have grave concerns that this is in practice only an intermediary stage of development and that further applications and variations of conditions will be forthcoming if this application is approved.

There is already considerable evidence of the same approach to development being taken by the applicant in relation to the main Rushden Lakes site (PS2, paras 2.6 – 2.26), which we and PP highlighted in relation to the 2018 application (PP, pages 3 – 6).

The current scheme layout would clearly allow such an approach, with land to the south of the site appearing to have been left for future development. This land, previously proposed for car parking and retail (Unit 03) is now being shown as hardstanding and could clearly accommodate retail uses in the future, as illustrated by the proposed layout.

Figure 1: Potential expansion of Rushden Living
Source: Landscaping Design Statement, page 5
Such a development possibility is also inferred by other aspects of the scheme design, with greater emphasis on the peripheral footpaths to the south of the site, ie those which adjoin this area of hardstanding and Units 13 / 14 than on the main pedestrian link between Units 07 and 11 and Units 03 – 05. This only makes sense if there is to be a Phase 2 development.

As it is, the current site layout which places the development at the western end of the site, results in what in practice will be a standalone development. Regardless of the provision of pedestrian routes within the site, the walking distance from the very westernmost part of the existing Rushden Lakes development (the leisure building) to the pedestrian access between Units 08 and 09 is approximately 300m. It is considerably further from the main retail offer at Rushden Lakes and as such in a retail planning context must be considered an out of centre location, separate even from Rushden Lakes.

As a result, much of the case for the proposed development is flawed, as it relies on the assumption that there will be considerable trip linkage between the application site and the existing Rushden Lakes development, for instance in the TA (para 5.8).

There is no evidence to support this hypothesis. Edge of centre locations are defined as ‘up to 300m from the primary shopping area’ (NPPF, Annex 2), this being the maximum distance where linked trips are likely to be sufficiently numerous to benefit a town centre. There is nothing to suggest that the likelihood of linked trips would be any greater in an out-of-centre location such as Rushden Lakes.

Further,

- The TA evidence on linked trips relates to data on supermarket extensions (TA, para 5.9) which is totally irrelevant to the current proposal which is seeking to suggest linkage between Rushden Lakes, a primarily comparison retail offer which already comprises a large number of retail and leisure uses rather than a single store, and a development that will offer 3 retail units, two restaurants, employment uses and a creche, dental surgery and physiotherapy unit. These uses are not going to generate significant numbers of linked trips;

- The alternative comparison with Lakeside Shopping Centre (TA, para 5.12) is equally inappropriate, as the proposed development cannot be compared with the offer of IKEA, B&O, Costco or Tesco. Similarly seeking to look at the effect on traffic flows of ‘a significant retail expansion’ in Birstall (TA, para 5.13) or a 13,857 sqm Savacentre (TA, para 5.16) is not a comparable example for the current application which proposes 1,758 sqm of A1 / A3 floorspace.

In practice therefore we consider that the proposed development will function as a separate entity to Rushden Lakes. Linked trips between the two locations are likely to be limited (RA2, para 2.5), with the majority of those that are undertaken likely to be by car ie people driving from one location to another. This has significant implications for the highways assessment provided by the Applicant and we would urge the Council to critically evaluate the submission in the light of this clear error in the underlying assumptions.

Retail Impact

We welcome the inclusion of a quantitative impact assessment within the RA because, contrary to what is suggested by BP (RA2, para 1.35), the impact of the proposal is a matter for consideration in determining the current application, even if the amount of floorspace proposed in isolation is below the threshold which requires the inclusion of such an assessment in any planning application submission.

However, we have a number of concerns regarding the assessment provided, some of which were highlighted previously in relation to the 2018 application. These are set out below and lead us to conclude that the RA provided by the applicant is flawed. As a result, the impact assessment provided by the applicant cannot be relied upon and it thus has not been demonstrated that the proposal will not have a significantly adverse impact on one or more of the town centres in the area.
In general terms our concerns include:

- The argument by the applicant that a similar quantum of floorspace has already been permitted at Rushden Lakes but will not now be implemented due to changes to the scheme. This in itself is of limited relevance as circumstances change and every application needs to be assessed on its merits. However, in this case the current application is seeking to promote a different form and use of the floorspace, increasing the convenience and open AI comparison offer and providing it in units of a smaller size, more akin to those found in town centres. As a result, any impacts need to be fully assessed, as they are unlikely to be the same as previously expected;

- Similarly, it is not appropriate to refer to this floorspace as 'residual' (PS2, paras 2.30 & 6.27; RS2, para 1.24). The current commitments at Rushden Lakes already far exceed the scale of development originally proposed and permitted by the Secretary of State on the site and thus there is no allocation or identified need for further provision on site. The fact that the applicant has decided to alter the offer from what was consented at a particular point in time, and justified it on the basis that there would be a reduction in the quantum of space, does not mean this unimplemented floorspace can subsequently be used to justify further development, particularly when it is for a different use and format of floorspace; and

- It is also not appropriate to seek to use the accepted impacts of the earlier approval to justify the current proposal (RS2, para 6.23). As is clear from the PPG, whether an impact will be significantly adverse depends on local circumstances and these can and do change over time. Thus, levels of impact previously considered not significantly adverse, may not be acceptable in the future, if the centres affected have declined during the intervening period. This is why up-to-date health check of centres are critical to any consideration of impact and why we consider the current application submission is flawed; and

- It is unclear how the proposed 'no poaching' condition currently applied to the Garden Square permission could be applied to this application, given the stated objective of securing local businesses as occupiers. As a result, very little weight should be given to this suggestion (PS2, para 7.6).

More specific concerns are as follows:

**The Rushden Living 2019 Proposed Offer**

As set out in the PS2, Phase 1 of Rushden Lakes opened in July 2017 and comprises three main retail terraces, lakeside restaurants and drive-thru, a boat-house and visitor centre (PS2, para 2.5).

Occupiers include a wide range of the major national retailers such as Marks & Spencer, Next, H&M, and Primark, with restaurant operators including Nando’s, Bill’s and Pizza Express.

Two further phases of development comprising leisure and retail (Phase 2) and a retail scheme known as ‘Garden Square’ are under construction and the first units opened in May 2019 (PS2, para 2.5).

Together, these schemes provide a very considerable amount of retail and town centre floorspace, considerably in excess of that originally allowed on appeal as a result of amendments and variations to the original approval. The applications that have led to the current scheme (albeit one which continues to be amended) are set out in the PS2 (paras 2.6 – 2.26) but what this does not do is detail both the increase in the quantum of floorspace now being developed at this location, nor the effect that various changes in the goods that can be sold and unit sizes has had on the overall offer.

Understanding how Rushden Lakes is now being developed is key to understanding how the current and committed developments are and will affect the town centres in the area. This is clearly best informed by considering actual shopping patterns following the opening of Phase 1 (see below), rather than relying on previous estimates of behaviour initially prepared a number of years ago and before many of the occupiers were known. Existing shopping patterns can then be extrapolated to forecast the effect of the remaining commitments and the current proposal, based on an understanding of what has happened to date.
This is important because the retail offer has changed significantly since the original impact assessments were prepared and not all retail floorspace has the same trading profile, trade draw or impacts on town centres.

This is particularly important in relation to this application as the accompanying RS makes much of the fact that a larger quantum of floorspace has previously been allowed on the Rushden Lakes site. However, this does not make the current proposal acceptable, as the type of the floorspace, the proposed uses and the replacement development that has occurred, will all have different solus and cumulative impacts. The current analysis which seeks to concentrate on changes in the quantum of floorspace provided is therefore misleading and inappropriate.

Further, Quod’s and BP’s argument that some of the existing permitted retail floorspace will not be implemented needs to be treated with caution. There is no guarantee that further changes to the existing and proposed retail offer at Rushden Lakes will not be sought in the future and the effects of changes in the sizes of units and types of goods that are or were intended to be sold are ignored.

The floorspace being proposed in Rushden Living 2019 is clearly different from that previously consented as part of the Terrace A extension, and, like the Garden Square scheme will provide smaller retail units. Thus, the current application does not seek to replace ‘like with like’, instead proposing:

- Up to 372 sqm of floorspace that could be used in whole or in part for the sale of clothing and footwear (PS2, para 1.7 & Table 22);
- Up that 922 sqm GIA of floorspace for A1 food use (PS, Table 3) and
- A development where unit sizes are considerably smaller than originally envisaged at Rushden Lakes, with the A1 uses in units of just 232 sqm, 372 sqm and 690 sqm (RA2, para 1.3).

This reflects the different target occupiers that the applicants are aiming to attract, with local/regional independents selling food and arts, crafts, antiques and artisans being specifically targeted (PS2, para 3.9).

This is exactly the types of retailers who either occupy existing town centres in Northamptonshire or who should be seeking accommodation there as the most sustainable location to serve the local market. As a result, if this scheme is permitted, the impacts will not be felt by the existing and proposed national multiples represented in Rushden Lakes, but by the existing retailers in the neighbouring town centres.

BP suggest that this will be mitigated by a ‘no poaching’ condition (PS2, para 17.7) as already applied to the Garden Square consent. However, this raises the question as to where the local businesses that are to occupy the units are to come from, given most such businesses would be expected to be trading in town centre locations and, by definition, if local, would be in town centres close to Rushden. It also means any new concepts can go straight to Rushden Lakes rather than setting up and driving innovation in town centres where it is most needed. All of the background material to the High Streets Fund initiative supports this position.

From the applicant’s perspective this retail offer makes commercial sense, as it expands the potential range of tenants that could be attracted to the development, at a time when the number of national multiples looking for new space is limited and many are already accommodated at Rushden Lakes. However, it means that those retailers previously associated with the smaller, community town centres in the area are now being targeted. Even if not allowed to relocate by the application of a ‘no poaching’ condition this would still not prevent the opening of a new retailer offering a near identical offer to that of existing town centre businesses.

Similarly, the use of one of the buildings for MN would directly compete with existing local businesses already trading in the town centres including markets.
The application is also proposing that an additional 464 sqm of floorspace would be used for A3 uses proposes (PS2, Table 3.1). This is an additional town centre use with a differing impact, which needs to be assessed together with that of the retail element.

The 929 sqm of floorspace proposed for D1/D2 uses and B1(a) uses could also be accommodated in one of the nearby town centres to add to their vitality and viability. This would be in accordance with the most recent Planning Practice Guidance (PPG) published in July 2019 which recognises that a range of complementary uses can help to support the vitality of town centres, including employment, office, commercial, leisure/entertainment and healthcare uses (PPG, paragraph Reference ID: 2b-001020190722).

As a result, if this application is approved, it would further harm the town centres in the area, both through direct impacts on existing businesses and by removing potential town centre occupiers and uses from the market. This will be in addition to the impacts currently being experienced by the town centres as a result of the opening of Phase 1 of Rushden Lakes and those expected when Phases 2 and 3 are fully open.

The Need for an Up-to-Date Household Survey

Turning to the RA provided by BP, our review has confirmed that the impact assessment within it is fundamentally flawed, as it is based on an out-dated household survey undertaken in 2011 and which predates the opening of Rushden Lakes.

The rationale for undertaking an assessment based on outdated information, appears to be that such an approach was considered acceptable in relation to previous Rushden Lakes applications (RA2, para 4.4). However, not only is it obvious that more time has now elapsed since the 2011 household survey was undertaken – during which time the retail sector and consumer behaviour has continued to undergo radical changes, but Phase 1 of Rushden Lakes has now opened.

To therefore seek to rely on previous estimates of trade draw – and indeed ones prepared when the retail offer at Rushden Lakes development was still subject to many unknowns, including the specific retail operators, is not appropriate. Shopping patterns in the area may still be adjusting to the opening of Rushden Lakes Phase 1, but this does not negate the need to try and find out who is currently visiting the new shopping centre, where they are coming from and where they would have shopped previously.

It may not have been possible to do this when the Garden Square application was submitted (RA2, para 4.5) but any household survey undertaken from early 2018 onwards should have been able to provide some information on all of these critical matters and also to provide an indication of actual turnover, rather than the assessments to date which have had to rely on benchmark sales densities.

Such information would also form a more reliable basis for predicting the impact of Phases 2 and 3 of Rushden Lakes and other commitments, before considering the likely trade draw of the current application proposal.

In the absence of such a study, we do not think the Council can place any weight on the quantitative impact assessment provided by BP, as it simply seeks to build on previous BP estimates, the accuracy of which has not been tested, and which the applicant seems to be unwilling to do so.

The absence of an up-to-date household survey also means that there is no justification for the assumption that 50% of the Rushden Living 2019 comparison turnover will come from locations outside of the NNCA (RA2, Tables 22 & 23).

Failure to commission such a survey is both surprising and inexcusable if the applicant is to provide a credible assessment of the effect of the Rushden Living proposal. Without such information there is no informed basis for any of the trade draw patterns suggested by BP and the resulting impacts forecasts cannot be considered to be reliable. As a result, the applicant has failed to demonstrate that the
proposal will not have a significant impact on the town centres in the area and the application should be refused on that basis.

Use of Out-of-Date/Inappropriate Assumptions and Data

There are a number of other areas where we consider that the RA provided by BP is either not up-to-date or includes assumptions which cannot be considered a reliable basis on which to assess retail impact. These include, but are not limited to:

- The continued use of 2012-based population projections and expenditure figures (RA2, Table 1);
- SFT Rates from Experian Briefing Note 13. This was published in October 2015 and has been superseded by three more up-to-date publications. Given the rapid uptake in online shopping this means that the available expenditure in the area for conventional non-food shopping will be overstated in the RA, as SFT is now expected to account for 20.1% of all comparison expenditure by 2023, rather than the 15.1% assumed by BP;
- A trade draw pattern that assumes considerable trade draw from outside the NNCA study area and understates the impacts on existing town centres; and
- The failure of the applicant to properly assess the current health of the centres that will be affected by the proposal.

In terms of the expected trade draw we consider that the occupation of the scheme primarily by local businesses, will inevitably mean that the trade draw will be more restricted than for Rushden Lakes. The comparison trade draw pattern even under the sensitivity test (RS2, paras 4.35 - 4.33) is not appropriate and a further assessment is required that reduces the amount of trade that is assumed to come from outside the NNCA (50%) (RS2, Figure 23) and increases that from town centres (20%) (RS2, para 4.40) should be provided.

The effect of the proposed convenience element on town centres also needs to be properly assessed. The proposed use would not provide the same retail offer as a M&S Foodhall (RS2, para 5.4), instead being in direct competition with existing independent town centre retailers and market traders. It therefore has the potential to have a significant adverse impact on the range and quality of the town centre retail offer.

The overall effect of such changes would be that there will be higher impacts on the main town centres and local centres, including Higham Ferrers, Ithingborough and Raunds.

The health checks provided in the RA are also unreliable. Firstly, the assessments by BP rely almost entirely on the diversity of uses data, which is just one indicator of overall health (PPG Town centres and retail, Reference ID: 2b-006-20190722). Without a proper consideration of the wider range of indicators BP cannot conclude that centres such Rushden are ‘vital and viable’ (RA2, para 312).

However, even if this had been the case in May 2018, the failure to update the majority of the health checks for this new application, means they cannot be relied upon. There has been another 12 months of Rushden Lakes trading since the centres were assessed and thus more time for the impacts to be seen. Updated health checks are therefore required to see what impact Rushden Lakes has had to date. The effect of its future expansion can then be factored in, to provide the basis for the current impact assessment.

The need to undertake updated health checks is clearly evidenced by the one updated assessment that is provided, namely that for Kettering town centre. Kettering Borough Council produces annual Town Centre Health Check reports (RS2, para 3.43) and a number of points from the most recent report dated February 2019 is provided by BP at paras 3.43 – 3.48. Comparing the summary with that presented in the earlier RA for Rushden Living in June 2018, indicates that the town centre has seen a number of changes in this relatively short period, including, but not limited to:
• The Marks & Spencer outlet has closed leading to the departure of a number of other high profile retail outlets (RS2, para 3.43); and
• Vacancy rates have increased by a third from 36 units in September 2017 to 48 just 12 months later in September 2018.

Overall this suggests that Kettering is considerably less healthy than just 1 year ago, and this is likely to be due, at least in part, to the openings at Rushden Lakes. As the offer there increases the impact on Kettering town centre is likely to increase.

Based on the very significant changes seen over recent months, we therefore disagree with BP that the centre can be considered to be vital and viable (RS2, para 3.48) and instead would suggest that the recent and future impacts from the on-going development at Rushden Lakes, represents a real and very serious threat to the future health of the centre.

Further, there is nothing to suggest that similar detrimental changes have not been seen in the other town centres in the area, all of which will have been, and continue to be impacted by Rushden Lakes.

Assessment of Other Town Centre Uses

We also consider that the assessments provided for the convenience element of the proposal (RA2, Section 5) and the A3 uses (RA2, Section 6) are both flawed:

• The convenience assessment correctly considers a higher sales density of £9,698 per sqm for the proposed floorspace (RA, para 5.7) to reflect the lack of certainty as to how any permitted convenience floorspace could trade. However, the resulting turnover is then compared with benchmark turnovers for existing foodstores (RA, Figure 27) rather than reflecting actual store performance. As a result, stores which may already be struggling are not identified, nor are the recent impacts from the new Marks & Spencer store in Rushden Lakes. This is another reason why a new household survey is required; and
• No assessment of the impact of the additional A3 Food & Drink floorspace is provided. Instead BP seeks to argue that the A3 floorspace that will be provided at Rushden Lakes is lower than was permitted under Application 16/01662/FUL (RA2, paras 6.3 - 6.4) and there is no evidence of a diminution of Class A3 food & drink uses in the town centres (RA2, para 6.5). However:
  ▪ The nature of the food & drink market has changed substantially since 2016 as evidenced by the closures of a number of high profile national multiple outlets; and
  ▪ There is no information provided as to what the food & drink offer is currently in the town centres assessed.
  ▪ We are aware of a number of A3 closures in Kettering town centre including Prezzo and Chimichanga.

Cumulative Impacts

We also consider that the cumulative impact assessment undertaken by BP is incomplete. Whilst there is some consideration of the A1 retail impact of the application scheme with committed schemes (albeit one which is so flawed as to be unusable), there is no consideration given to the cumulative effect of the A1 convenience and comparison impacts and those from the non-A1 elements of the scheme. There is also no consideration of the cumulative effect of recent and committed developments, particularly in the food & drink and leisure sectors.

As town centres continue to experience difficult retail trading conditions, the importance of these sectors to the overall health of a centre is increasing, as recognised in the recently updated Planning Practice Guidance. Thus, the loss of A3 and A4 trade to the new cafes, restaurant and drive-thrus at Rushden Lakes and potentially Rushden Living, needs to be considered cumulatively with any A1 retail impacts both in terms of trade draw and the effect of the increased offer on the overall attractiveness
of the town centre alternative. Increasing the scale of development, range and offer means the overall attractiveness of the Rushden Lakes location is increasing, making it more likely that it will be seen as a destination location and increasing the likelihood of visits being made to it instead of town centres.

We also consider that the RA by BP is flawed in that the applicant has failed to offer sufficient conditions or tested alternative trading scenarios to ensure that the types of retail use and unit size that have been tested in the submitted Retail Assessment are what will be provided if consent is granted (see below).

**Impact on Investment**

Our final, major concern regarding the impact assessment provided by the applicant relates to the impact of the proposal on investment in neighbouring town centres, which we consider has not been adequately addressed by the applicant (RA2, Section 7). We note the suggestion by BP is that it is not necessary to do so, given no issues were identified in relation to the 2018 application (RA2, para 7.3) but having reviewed the comments by PP on this matter we do not consider this to be a correct interpretation of their comments.

At the time PP indicated that ‘I do not at this stage raise an issue in relation to impact on investment’ (PP, page 13), but their advice is clear that any new development at Rushden Lakes has the effect of broadening its appeal (PP, page 5) and making it more difficult for town centres to attract new tenants (PP, page 11). This clearly has an impact on existing investment and thus should be assessed, particularly in the context of the concerns voiced by PP regarding the decline in the health of both Rushden and Wellingborough (PP, page 10) and our own concerns, based on the evidence presented in the RA, that Kettering is also in decline.

A proper assessment of whether there is any committed or planned investment that may be affected is also required, as it is not sufficient to simply state there has been 'no material change in circumstances' since the 2018 application. This is not surprising in the context of the existing and committed Rushden Lakes development, but clearly any further increase in provision there will further adversely affect investment in the surrounding town centres.

**Sequential Test**

The approach adopted to the sequential test is not, in our view consistent with the updated NPPF, nor is there any policy justification for the 'co-location' argument which underlies the applicant’s case (PS2, para 6.31 and RA2, paras 2.3 - 2.4).

At its simplest, the case made by the applicant is that the proposed occupiers wish to locate in or adjacent to Rushden Lakes, presumably because of its success as a retail shopping destination. However, the planning policy test is whether the uses (not the occupiers), have a particular market or locational requirement to be accommodated specifically on this site (PPG Town centres and retail, Reference-ID - 2b-012-20190722).

The PS makes it clear that the current application is proposing a different concept to that already provided at Rushden Lakes (PS2, para 6.11) and it comprises a relatively random list of proposed uses which do not normally require to be located on the same site as any of the other elements. The proposed non-food unit does not have any business or trading requirements to be located on the same site as a food store, a physiotherapy business, a creche or a dental surgery and the same applies to all the other uses.

The applicant has suggested that the employment units would be occupied by local businesses, where proximity of manufacture and retailing facilities could be helpful. However, no explanation has been provided as to how such uses will be secured. The application therefore has to be assessed on the basis of the use classes proposed and it is rarely the case that retail and town centre uses need to locate on the same site as Class B employment uses. There is therefore no evidence as to why this mix of uses is required in this case.
There is also no evidence that any of the proposed end users need to be located at Rushden Lakes (RA2, para 2.4). However, in the event that the latter case could be made, the current application will not meet such a need as the application site is, in practical and physical terms, completely separate from the Rushden Lakes development.

There is only one named operator (MIN) and no evidence that its requirements and those of the unnamed operators cannot be met by existing opportunities in town centre locations where co-location with other retail businesses is also possible.

The effect of this approach is that the sequential assessment is wrongly based on a requirement for a site of at least 0.5 ha and many of the sites that have been identified are dismissed as being unsuitable or unavailable to accommodate this scale of development (RA, Appendix 3).

This threshold may be appropriate for other development proposals (RS2, Appendix 3, para 1.41) but not for the current application when the proposed retail uses combined are only 1,294 sqm and the smallest unit is just 232 sqm.

The identified sites therefore need to be reassessed to consider whether they are capable of accommodating the town centre elements of the scheme, either as a single development or separately. There may also be other sites or existing units which could accommodate these town centres uses and these need to be identified and assessed as well. In this respect the objection already submitted by Kettering Borough Council (dated 23 July 2019) is directly relevant, as it notes the availability of a number of suitably sized units within Kettering town centre.

Finally, we note that compliance with the sequential test is a key element of national planning policy and it is for the applicant to demonstrate compliance (PPG Town centres and retail, Reference-ID 2b-011-20190722). This is not done in relation to the majority of the identified sites in Kettering, where the applicant simply states the sites are not suitable or available (RS2, Appendix 3, paras 1.44 – 1.53). No evidence is provided in many of the cases to justify such statements and the lack of active marketing per se (para 1.52) is not sufficient to demonstrate that a site is not available. Further research, or evidence of that research is therefore required if the applicant is to demonstrate the necessary compliance with the sequential test.

Other Comments

Whilst our review of the application submission has naturally concentrated on those aspects of the submission associated with retail and town centre matters, we have also noted a number of other matters which we would also like to comment on. These are as follows:

- Any references to the consultation exercise in relation to Rushden Living 2018 needs to be treated with caution, as there has been no new public consultation on the current application proposal (PS2, para 4.2);
- Any references to the proposed link road as a benefit of the proposal should be disregarded, as a similar link road has already been consented (Appln Ref: 18/00004/FUL) (for instance PS2, paras 6.18 – 6.22; 6.24 & 6.55);
- There is no mechanism proposed that would ensure the six B Class units will be occupied by local artisans and manufacturers (PS2, para 6.40) or to suggest they are suitable as ‘small starter units’ (PS2, para 6.42). In the absence of such information it has to be assumed that the uses could be any within the proposed use classes of B1(a) and B1(c)/ B2; and
- The Economic Report makes no allowance for any displacement of employment as a result of impacts from the retail and commercial elements of the scheme. As a result the number of jobs and any associated financial benefits are overstated (PS2, paras 6.4 – 6.5).
Conditions

Notwithstanding our view that the current application for Rushden Living 2019 should be refused as it fails to comply with retail planning policy for the reasons outlined above, we recognise that the Council may take a different view.

In the event that the Council does seek to approve the application, it is vital that the form of development permitted is restricted to those uses and amounts of floorspace that have been tested. This should include, but is not limited to the following:

- A condition restricting the maximum comparison floorspace to 372 sqm gross, 298 sqm net in Unit 7;
- A condition restricting the convenience floorspace to a maximum of 922 sqm gross, 738 sqm net in Units 6a and 8;
- A condition restricting the A3 floorspace to 464 sqm gross in Units 9 and 13;
- A condition preventing the sub-division of any of the AI, A3 or D1/D2 units; and
- A condition restricting the proposed D1/D2 uses to a physiotherapy, a dental surgery and a creche, on the basis that other D1 and D2 uses would need to demonstrate compliance with the sequential test.

In this case, a 'no poaching' condition as suggested by the applicant (PS2, para 7.6) is considered to be of little assistance, given only three retail units are proposed and at least one of the occupiers (MIN) is not currently trading. However, there may be some benefits in seeking to apply such a condition to the other commercial uses (physiotherapy, creche and Dental surgery). It should be worded in a way that covers all locations within the neighbouring towns to ensure existing businesses do not relocate to the detriment of sustainable travel patterns or access to facilities for a local community.

Conclusions

Ellandar is a major investor in Kettering Town Centre and our client objects to this application in the strongest terms. Considerable retail and town centre uses have already been permitted at Rushden Lakes and the initial openings have already had a serious adverse effect on Kettering and other town centres, with impacts expected to increase as other phases of development are completed and open for trading.

The current application is for the development of further out-of-centre retail, town centre and other commercial uses, all of which could be accommodated in a town centre. The proposal is physically separate from and offers no synergy with Rushden Lakes but instead will create a separate out-of-centre retail location.

Our review of the application submission has shown that it does not comply with retail planning policy in that the submitted Retail Assessment is flawed and cannot be relied on. The applicant has therefore:

- Failed to show that the proposal would not have a significantly adverse impact on the health and vitality of town centres in the catchment area;
- Failed to show that the proposal would not have a significantly adverse impact on investment in town centres in the catchment area; and
- Failed to demonstrate that the proposal satisfies the sequential test, given the proposed occupiers could be accommodated in town centre locations.

For these reasons we consider that the application should be refused.

We trust that these comments are of assistance and look forward to your confirmation that they have been received.
Yours sincerely

[Redacted]

WILLIAMS GALLAGHER
Appendix 2.20

Firstplan on behalf of Waitrose
Dear [Name],

PLANNING APPLICATION FOR THE REDEVELOPMENT OF LAND WEST OF RUSHDEN LAKES, DITCHFORD LANE, RUSHDEN – RUSHDEN LIVING (REF: 19/01092/FUL)

We act on behalf of our client Waitrose Ltd. We write in respect of the above planning application which seeks permission for a major mixed use development, along with the construction of a new link road between Ditchford Road and Rushden Lakes. The current application forms a resubmission of application ref: 18/01197/FUL. The site lies approximately 700m to the west of the existing Waitrose store at Crown Park, Rushden.

As you will be aware, there is also a separate planning application pending for the redevelopment of land north of Northampton Road, known as the ‘Rushden Gateway’ site (ref: 18/00982/FUL). Waitrose has submitted a number of objections to the Rushden Gateway application raising concerns about the impact of the development on the local road network, which already experiences severe levels of congestion following the opening of the Rushden Lakes development (as shown in an Observational Study carried out by Glanville in August 2018 on behalf of Waitrose).

The Rushden Living application will generate additional traffic movements, which will impact on the same junctions as the proposed Rushden Gateway development (most notably the A45 Skew Bridge Roundabout) adding to existing congestion problems.

We note from Appendix 2.3 of the applicant’s Environmental Statement that, in response to the original application, the Local Highway Authority (LHA) advised that they had ‘major concerns with how the network currently operates in this area’. The LHA also advised that ‘the link road may assist with current congestion but loaded with more development takes away this benefit’. It is understood that the design and alignment of the proposed Link Road has not changed from the June 2018 Rushden Living application.

The applicant’s Transport Assessment (June 2019) considers various scenarios in assessing the potential impact of the proposal on the local and strategic network. The assessment concludes that ‘the proposed development will result in a relatively substantial reduction in vehicle trips at Skew Road Roundabout as a result of the construction of the Link road, which is not negated by the new trips generated by Rushden Living’. Whilst Waitrose welcome the principle of providing a new link road, they are concerned that none of the
scenarios assessed take into account the additional traffic that would be generated by the proposed Rushden Gateway development.

Waitrose is concerned that the traffic generated by the two applications will have an unacceptable cumulative impact on the local highway network resulting in further congestion and queuing. Waitrose request that officers and the LHA give due consideration to this issue in assessing the application.

We look forward to receiving acknowledgement of this representation. We would also be grateful if you could notify us of the progress of the application.

sincerely

[signature]

Associate
Appendix 2.21

Northamptonshire Badger Group

(2 No. responses)
Hello,

I have been asked to confirm that a [redacted] survey will be required pre-commencement of construction activities rather than now (ahead of determination).

This survey is to check [redacted] that could be [redacted]...

Thank you.

Yours sincerely,

[redacted] Chairwoman Northamptonshire Badger Group
From:

Date: 08 July 2019 10:59:40

From:   
Sent: 06 July 2019 17:44  
To: PLANNING  
Subject: 19/01092/FUL

This Message originated outside your organisation.

To Whom It May Concern,

Thank you for consulting our Group on the above planning application.

Regards,
Appendix 2.22

North Northamptonshire Joint Planning and Delivery Unit
19/01092/FUL – Rushden Living 2019

Thank you for consulting the North Northamptonshire Joint Planning & Delivery Unit (JPDU) on the above application (RL2019). The officer-level comments below focus on compliance with the North Northamptonshire Joint Core Strategy (JCS) and are consistent with our responses to planning applications 16/01662/FUL, 18/00004/FUL and 18/01197/FUL.

At the outset, I would acknowledge the quality of the implemented Rushden Lakes scheme and the benefits that it has brought to North Northamptonshire (JCS paragraph 5.30 refers). The consented Ditchford Lane will clearly benefit the operation of Rushden Lakes and the Skew Bridge roundabout.

The RL2019 proposal offers attractive elements, most notably the Made in Northamptonshire concept, that would contribute to the economic development ambitions set out in Policy 23 of the JCS. However, the JPDU considers that these benefits are outweighed by conflicts with other elements of the JCS and objects to planning application 19/01092/FUL on the same grounds as set out in our representations on 18/01197/FUL (attached), namely:

1. Conflict with Joint Core Strategy Policy 12 (Town Centres and Town Centre Uses) and its supporting text as it involves a significant development of main town-centre uses in an out-of-centre location. We consider that the impacts of the implemented Rushden Lakes scheme should be monitored in accordance with the JCS (para 5.34) before further expansion is considered. This should include a review of the actual impacts of the implemented scheme against the impacts forecast at the planning application stage.

2. Concerns that the design quality of the proposal does not meet the requirements of Policy 3 (Landscape Character), Policy 8 (Place Shaping Principles) and Policy 20 (Nene and Ise Valleys). If the Council considers that RL2019 should be permitted as a departure from the development plan, we recommend that significant revisions are made to the proposed layout.

These policy objections are amplified below. By way of context, it is relevant to note that, other than the extension of the site to include the cinema/leisure building, previous revisions to the Rushden Lakes scheme have taken place within the footprint of the original planning permission granted by the Secretary of State (SoS), on a largely brownfield site. The RL 2019 proposal is different in that it proposes to extend the development west into open countryside. The JPDU considers that potential development of this site and other land along the consented Ditchford Lane link road should be tested through a development plan process rather than through the consideration of individual planning applications.
Policy 12 – Town Centres and Town Centre Uses

Our response to 118/01197 explains the evolution of the retail strategy in the JCS. In so far as it relates to Rushden Lakes, the adopted JCS can be summarised as follows:

- The consented Rushden Lakes scheme is identified as a commitment that will provide a key retail and leisure facility serving the southern area of North Northamptonshire (JCS para 5.30). The Key Diagram notates Rushden Lakes as a “Committed Strategic Site”. This is a reference to the consented scheme and does not confer any planning status. It remains an out-of-centre site for the purpose of retail policy.
- The permitted retail floorspace (at that time) was explicitly written into the Plan (including Policy 12d). This is because the committed scheme is large and the JCS retail evidence base (used at the Rushden Lakes public inquiry) indicates that there is unlikely to be spending capacity to support additional retail floorspace in the southern area until after 2026.
- In view of the above, paragraph 5.34 explains that the need for additional retail floorspace in the southern area will be monitored and reviewed when the Rushden Lakes development has commenced trading and trading patterns have bedded down (generally taken as two-years from opening).
- In the meantime, the emphasis of JCS Policy 12 is on supporting the vitality and viability of the town centres, including adapting and diversifying the town centres of Wellingborough and Rushden to operate successfully alongside the committed Rushden Lakes development. This is consistent with the NPPF and Outcome 9 of the JCS, which seeks stronger, more self-reliant towns with thriving centres.

Notwithstanding the JCS retail strategy summarised above, planning permissions granted since the Secretary of State’s (SoS’s) original decision have already significantly increased the size of the development and have changed the mix of uses. The Council’s retail consultant (Planning Prospects 10th September 2019) notes how this has transformed the original Rushden Lakes scheme, with 19% more retail floorspace in twice as many retail units, over 400% more restaurant floorspace, plus cinema and other leisure uses.

The impact on the vitality and viability of adjacent town centres was a key consideration in relation to the original Rushden Lakes planning application and subsequent expansion proposals. As noted in our response to 18/01197/FUL, the potential impact on Wellingborough town centre was identified as an issue in the SoS’s original decision and was only overcome in relation to subsequent proposals through an extensive package of mitigation measures secured in the s106 agreement. These measures have yet to be implemented and it is not therefore possible to assess their effectiveness. In this respect, we note that the Borough Councils of Wellingborough, Kettering and Northampton have objected to the RL2019 proposal due to the potential impact on town centre vitality and viability.

It is beyond the JPDU’s remit to comment on the technical detail of retail impact assessments and we note the advice provided by the Council’s retail consultant Planning Prospects in this respect. We would however make a general observation that the assessment of retail impact has relied on historic data from the JPDU’s Retail Capacity Update, which was last undertaken in 2014 and used information from household surveys undertaken in 2010. The Council’s retail consultant Planning Prospects has previously questioned the reliance on this historic data and has recommended that future applications for retail development should now be supported by new data, including a new survey and the latest available population and expenditure data, together with up to date health-check data. The JPDU supports this view but we consider that it should also apply to the RL2019 proposal. The JPDU Steering Group has agreed that a retail monitoring update should be commissioned in line with JCS paragraph 5.34 by the end of 2019 (i.e. two years on from the opening of Rushden Lakes). Until this is complete or equivalent up to date data provided by the applicant, the consideration of retail impacts is based largely on untested assumptions of trading patterns, which should be treated with caution.
Design Quality

The site plan for Rushden Living 2019 is similar to the previous (withdrawn) Rushden Living application (18/01197/FUL) except that a number of large units and associated parking have been deleted (it is not clear if this includes Unit 05, which is shown with dashed outline). This leaves the remaining units (some of which appear to be sub-divided) separated from the main Rushden Lakes development and interspersed with substantial areas of open space. While serving to reduce the floorspace within the development, these changes contribute to an unsatisfactory layout and relationship with Rushden Lakes and raise questions about the future management and use of vacant land within and around the scheme.

Our design comments in relation to 18/01197/FUL remain relevant. We are concerned in relation to the design quality of the scheme when assessed against JCS Policy 3 (Landscape Character), Policy 8 (Placeshaping Principles) and Policy 20 (Nene and Ise Valleys). Our comments relate to four main issues outlined below:

1. Masterplan Approach – there is a need to adopt a comprehensive masterplanning approach to the design of the site, in order to demonstrate and assess how the area works as a whole, how the scheme integrates with the existing Rushden Lakes development and how it responds to the immediate context. The location, size and functionality of the proposed public open space is also considered inappropriate for this context (contrary to Policy 8b). An expansive green space located to the corner of the site situated along two inactive boundaries, provides very limited opportunity for activity, movement through the space and passive surveillance. It also does not/nor does it provide any opportunity to connect into a wider network of green space and the local landscape setting.

2. Landscape Impact and landscape character - the proposal is considered to have a negative visual impact on landscape character and does not conserve or enhance the character or qualities of the existing landscape (JCS Policy 3). The development does not relate well to the wider landscape in terms of character and setting, as well as physical connections with the Nene Valley sub-regional corridor (as required by Policy 20). We have not commented on the elements of Policy 20 or Policy 4 in relation to impacts on the Special Protection Area as this will addressed through the input of Natural England.

3. Accessibility and connectivity – the proposal does not provide the opportunity to enhance connections between the two sites (Rushden Lakes and Rushden Living), nor does it prioritise the needs of pedestrians, cyclists and public transport, as required by Policy 8a and b. The potential access point between the two schemes (to the side of the Leisure building) is dominated by a car park and access road with limited opportunity for direct pedestrian/cycle movement between the two schemes.

4. Character of Development – the design response (siting of uses, layout, orientation, scale and massing of buildings) has not addressed the wider context (built and natural), views or topography. The proposed scheme is considered inward facing and disconnected from its context.

Notwithstanding and without prejudice to the Policy 12 objection set out above, the JPDU would make the following recommendations on how the design of Rushden Living 2019 could be improved:

- amend the Landscape and Visual impact Assessment to ensure a detailed assessment of cumulative impact and additional mitigation measures is included for all receptors/affected groups;
- adoption of a comprehensive masterplan approach to deal with the site as a whole, to ensure that the site and proposed uses are fully integrated with the existing and proposed built and natural context;
• amend the proposed scheme to accommodate the following:
  
  - **relocate proposed retail units/retail anchor** to the location of proposed open space, orientate towards and/or be visible from new access road/Rushden Lakes leisure building – this will allow for direct visual and physical access for pedestrians and increase footfall from Rushden Lakes
  
  - **reconfigure public open space to provide a linear green space** which directly connects Rushden Lakes to the new access road and the proposed development. Green infrastructure with good ped/cycle linkages with attractive, overlooked spaces will act as a movement corridor and aid integration between the two schemes
  
  - **reconfigure the layout and orientation of the retail units**, to encourage a more outwardly facing development that integrates better with its surroundings (streets, open space, views)
  
  - **relocate or remove the car park adjacent to Rushden Lakes leisure building** and reconfigure space to accommodate open, direct paths and cycleway(s) with structural landscaping (as a gateway point to the linear open space design), to encourage movement and footfall between the two schemes
  
  - **integrate landscaping features into the built form arrangement** to ensure that the development is sympathetic to the existing landscape setting

**Conclusion**

I trust the above comments are of assistance. If you wish to discuss them further, please contact me in relation to Policy 12 matters and Natalie Oates in relation to design comments.

Yours sincerely

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Head of the North Northamptonshire
Joint Planning and Delivery Unit
Appendix 2.23

Anglian Water
Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to contact us on Option 1 or email

AW Site 884/1/0082957
Reference:

Local Planning Authority: East Northamptonshire District

Site: Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire

Proposal: Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace,

Planning application: 19/01092/FUL

Prepared by: Pre-Development Team

Date: 25 July 2019
ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Broadholme Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE - The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water’s requirements.
Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website [http://www.anglianwater.co.uk/developers/pre-development.aspx](http://www.anglianwater.co.uk/developers/pre-development.aspx).

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
  - Development size
  - Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8 l/s)
  - Connecting manhole discharge location (No connections can be made into a public rising main)
  - Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
  - Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
  - Development hectare size
  - Proposed discharge rate (Our minimum discharge rate is 5 l/s. The applicant can verify the site’s existing 1 in 1 year greenfield run off rate on the following HR Wallingford website [http://www.ukouds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation](http://www.ukouds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation). For Brownfield sites being demolished, the site should be treated as Greenfield, Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
  - Connecting manhole discharge location
  - Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)
Appendix 2.24

Northamptonshire Fire and Rescue
Sent: 02 July 2019 13:16
Subject: RE: East Northamptonshire Council Planning Application Consultation 19/01092/FUL

No further comment to make at this stage

Many thanks,

Fire Protection Officer

Community Fire Protection

Address: Northern Accommodation Building, Cherry Hall Road, Kettering Business Park, Kettering, NN14 1UE
Website: www.northamptonshire.gov.uk
Find us on Twitter: @NFRSBizsafety

Sent: 02 July 2019 09:56
Subject: East Northamptonshire Council Planning Application Consultation 19/01092/FUL

I hereby notify you that application 19/01092/FUL has been received by East Northamptonshire Council.

Please find further details in the attached consultation letter.

If responding by e-mail, please reply to planning@east-northamptonshire.gov.uk and NOT the case officer. Your response will be forwarded.

The planning application documents can be viewed by using this link
http://www.east-northamptonshire.gov.uk/viewplanningapplications

Planning Services
East Northamptonshire Council
01832 742225
Appendix 2.25

Northamptonshire County Council – Lead Local Flood Authority
Thank you for consulting us on the above planning application.

Having reviewed the applicant’s submitted documents located within;

1) Land West of Rushden Lakes Rushden Living 2019 Flood Risk Assessment ref 12348 version F1 prepared by Campbell Reith Consulting Engineers dated 13th June 2019

We would like to advise that if the following planning conditions are included as set out below, the impacts of surface water drainage will have been adequately addressed at this stage. Without these conditions, the proposed development on this site may pose an unacceptable risk of surface water flooding.
Condition
No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment ref 12348 version F1 prepared by Campbell Reith Consulting Engineers dated 13th June 2019 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 details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

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

Condition
No Occupation shall take place of any sub phase until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified
drainage engineer and approved by the Local Planning Authority prior to occupation of the site
based on the approved Flood risk assessment ref 12348 version F1 prepared by Campbell
Reith Consulting Engineers dated 13th June 2019
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.

As you are aware, the discharge of planning conditions rests with the Local Planning
Authority. It is, therefore, essential that you are satisfied that the proposed draft conditions
above meet 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 conditions, as we may
need to tailor our advice accordingly.
Please note that our comments only cover the surface water drainage implications of the
proposed development.
In view of the above, should you require any further information, or wish to discuss these
matters further, please do not hesitate to contact us.

Yours Faithfully,

Drainage Engineer

For and on behalf of Northamptonshire County Council – Lead Local Flood Authority

Disclaimer:
This response is made by the County Council in its capacity as a Lead Local Flood Authority as a statutory
consultee. As a Lead Local Flood Authority (LLFA) we respond to Planning Applications considering where
development has the greatest ability to affect flood risk. For the avoidance of doubt we do not comment on
water quality, contaminated land/landfill, waste water, risk of flooding from ground water, biodiversity and
ecological impacts, fisheries, water framework directive, amenity, health & safety, or navigation.
These comments should be taken as general comments on surface water drainage only. A detailed review of
any technical assessments, methodology and results has not been undertaken by the LLFA. Liability for
such technical work therefore rests with organisation(s) who have undertaken this technical work and the
Local Planning Authority responsible for the planning decision.
Appendix 2.26

Northamptonshire County Council – Local Highway Authority
## Town and Country Planning Act 1990 (As Amended)
### Local Highway Authority (LHA) Response

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>19/01092/FUL</th>
</tr>
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<tbody>
<tr>
<td>LHA Reference</td>
<td>Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL).</td>
</tr>
<tr>
<td>Location</td>
<td>Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire</td>
</tr>
<tr>
<td>Date consulted</td>
<td>22/07/2019</td>
</tr>
</tbody>
</table>

Thank you for sending us the application plans on the above proposal as the Local Highway Authority (LHA) and I would like to confirm the following observations:

- The LHA would like to clarify our position on the previous Rushden Living application reference, 18/01197/FUL. The Transport assessment document for this application states (para 4.53) that the LHA requested that parking spaces be reduced during discussions for application 18/01197/FUL however this was not the case. We did consider the number of parking spaces provided cast some doubt on the number of additional trips expected to the site considering the assessment suggested there would be a requirement for approximately seven times less the number of spaces being proposed.
- Paragraph 4.63 states that smaller units will not require the service provision of an articulated HGV – please justify this statement further. An open consent would not prohibit the use of such vehicles.
- The traffic data used is not considered up-to-date and new surveys are required. The scope of which shall be agreed with the Local Highway Authority. Also the trip rates used date back to November 2017 and we consider that there has been considerable change in the area to justify a new approach.
- The LHA does not consider that there will be a particular linkage in trips given the distance from one end of the site to the other.
- Paragraph 5.9 states that the starting point for estimating the total increase in customers is based on a supermarket extension. The LHA does not consider Rushden Lakes to be a comparable business to a Supermarket. Paragraph 5.11 states that a 10% increase in floor space would expect to see an increase of 1.9% customers but based on this assumption there would be no more trips however the LHA would conclude that the food outlets will attract new customers.
- Paragraph 5.23 suggests the B1/B2 uses will be taken up by smaller independent businesses however with an open consent there would be nothing to stop larger companies taking up this floor space.
- The LHA queries why the applicant has applied different growth factors for local roads and the A45?
- Paragraph 6.13 references traffic flows from the Stanton cross Development – these cannot be used as the data was captured a considerable time ago and is considered out of date.
- There is no mention of committed development sites included within the assessment work.

The views, observations, comments and recommendations contained in this response represent those of Northamptonshire Highways on behalf of Northamptonshire County Council as Local Highway Authority and in no other function or authority.

Kier Integrated Services Limited, Tempsford Hall, Sandy, Bedfordshire, SG19 2BD. Registered in England No. 873179
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• Paragraph 6.18/19 and impact assessment references an approximate 10% increase in flows on Ditchford Lane which is considered significant by the LHA.
• The A45 Ditchford Road and Northampton Road / A45 Junctions are showing as over-capacity in the Future year assessment and therefore the applicant will be required to provide a nil detriment scheme, for each of these junctions.
• The LHA fundamentally disagrees with the statements set out in paragraph 6.44. Although, as a result of the consented link road onto Ditchford Lane there may be an expected reduction in trips from the West the LHA would predict there will be more trips from the South and East and the Skew Bridge and Chowns Mill roundabouts affected accordingly.
• In summary the LHA requires the applicant to model both Skew Bridge and Chowns Mill roundabout with up-to-date survey data applying Tempro Growth and include this application and all committed development trips for assessment purposes.
• To clarify our position the LHA currently objects to this application.

I trust this assists

[Redacted]
Senior Development Management Engineer

For Assistant Director of Environment, Planning, and Transport
Northamptonshire Highways
One Angel Square
Angel Street
Northampton
NN1 1ED

Page 2 of 2

The views, observations, comments and recommendations contained in this response represent those of Northamptonshire Highways on behalf of Northamptonshire County Council as Local Highway Authority and in no other function or authority.

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RESPONSE TO HYBRID APPLICATION COMPRISING:

- A FULL APPLICATION FOR THE ERECTION OF RETAIL UNITS, RESTAURANT UNITS, OFFICE FLOORSPACE, PHYSIOTHERAPY / LEISURE FLOORSPACE, ANCILLARY STORAGE FLOORSPACE (WITH ASSOCIATED SITE CLEARANCE, EARTHWORKS, SITE LEVELLING AND FORMATION OF BANKS) TOGETHER WITH PROPOSALS FOR ACCESS, FOOTPATHS, PARKING AND SERVICING SPACE, HARD AND SOFT LANDSCAPING, DRAINAGE WORKS, ATTENUATION PONDS AND OTHER ASSOCIATED WORKS AND

- AN OUTLINE APPLICATION FOR THE ERECTION OF EMPLOYMENT UNITS WITH SOME MATTERS RESERVED (LAYOUT, SCALE, APPEARANCE). PLUS CONSTRUCTION OF A NEW LINK ROAD BETWEEN DITCHFORD ROAD AND RUSHDEN LAKES (WITH ASSOCIATED SITE CLEARANCE AND EARTHWORKS) ALONGSIDE JUNCTION WORKS, FOOTPATHS, CYCLEWAYS, LIGHTING, HARD AND SOFT LANDSCAPING AND ASSOCIATED WORKS (RESUBMISSION OF 18/01197/FUL) AT LAND WEST OF RUSHDEN LAKES DITCHFORD LANE RUSHDEN (19/01092/FUL).

Introduction

I am writing on behalf of Northamptonshire County Council (the county council) key services (Broadband) and on behalf of Northamptonshire Fire & Rescue Service, on which the proposed development would have an impact. Other County Council service areas may respond separately.

This response follows the principal guidance in our adopted Planning Obligations Framework and Guidance Document 2015, which follows the tests of paragraph 56 of the National Planning Policy Framework (2018), and is therefore relevant to this planning application.

It is understood that the proposed development would comprise the development of up to 5,606 sqm gross new internal floorspace for a range of commercial, leisure and retail uses across a site of c.11.07 hectares.

These figures have been used to inform this response.
Fire and Rescue - Hydrants

New developments generate a requirement for additional fire hydrants in order for fires, should they occur, to be managed. An assessment of the site will need to be undertaken by the Water Officer of Northants Fire and Rescue Service in order to establish how many are required; however it is assumed this development could need 2 x fire hydrants to be installed at a cost of £892 per hydrant, totalling £1,784.

It is the preference of the Northamptonshire Fire and Rescue Service that fire hydrants should be designed into the development at the masterplan stage and enforced through a planning condition.

The final location of the fire hydrants for this development must be agreed in consultation with the Northamptonshire Fire and Rescue Service Water Officer prior to installation.

Below is a suggested standard condition for securing fire hydrants:

‘No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.’

Informative: With reference to Condition above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant and associated infrastructure.

For further information regarding this requirement or any site-specific matters, please contact: Water Officer for NFRS.

Broadband

The Northamptonshire vision is for the county to be at the leading edge of the global digital economy. This requires new developments (both housing and commercial) to be directly served by high quality fibre networks. Access to a next generation network (speeds of >30mbs) will bring a multitude of opportunities, savings and benefits to the county. It also adds value to the development and attract occupiers.

In order for the commercial communications market to be able to deploy to these new build areas, measures must be introduced at the earliest opportunity. This will provide the required specification to enable fibre connectivity for all new developments in respect to receiving superfast broadband services. To help developers, some fibre based broadband network providers such as BT Openreach and Virgin Media have dedicated online portals which provide assessment tools and technical help.

There are also other providers may also be able to connect your development: http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx.
Early registration of development sites is key to making sure the people moving into your developments get a fibre based broadband service when they move in. More information can be found in the links below:

BT Openreach: [https://www.ournetwork.openreach.co.uk/property-development.aspx](https://www.ournetwork.openreach.co.uk/property-development.aspx)


It is advised that ducting works are carried out in co-operation with the installations of standard utility works. Any works carried out should be compliant with the Manual of Contract Documents for Highway Works - specifically Volume 1 Specification Series 500 Drainage and Ducts, and Volume 3 Highway Construction Details Section 1 – I Series Underground Cable Ducts (found at [http://www.dft.gov.uk/ha/standards/mchw/index.htm](http://www.dft.gov.uk/ha/standards/mchw/index.htm)).

For further information on the project please visit [www.superfastnorthamptonshire.net](http://www.superfastnorthamptonshire.net) or contact: [bigidea@northamptonshire.gov.uk](mailto:bigidea@northamptonshire.gov.uk)

I trust that the above response provides sufficient detail at this stage; please note however that the guidance contained herein may be subject to change as a result of changes to planning policy and guidance at national and / or local level as appropriate, and therefore continued consultation with the County Council is recommended to ensure that the latest available information is taken into consideration.

Please don’t hesitate to contact me should you have any queries or require any additional information or clarifications.

Sincerely,

[Signature]

Senior Project Manager – Developer Contributions
Northamptonshire County Council
One Angel Square, Angel Street, Northampton, NN1 1ED
Dear [Name],

TOWN AND COUNTRY PLANNING ACT 1990

Proposal: Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) at Land West Of Rushden Lakes Ditchford Lane Rushden Northamptonshire

Thank you for your consultation of the 2nd July requesting comments in relation to this application including an Environmental Statement.

The current application is a resubmission of 18/01197/FUL which I commented on in July 2018. The revised ES Section 12: Historic Environment provides details of the archaeological background of the proposed application area and the Rushden Lakes development as a whole. It also addresses some of the issues I raised in my July 2018 response. In paragraph 12.5.8 reference is made to the CEMP Appendix 4.1 paragraph 7.2 General mitigation; which specifies that the erection of the fencing needs to be undertaken with archaeological monitoring. The CEMP paragraph 7.10 Protection of Heritage Assets provides guidance for contractors should archaeological activity be identified and require archaeological mitigation.

Section 12.6 Mitigation Measures; identifies that there is potential for archaeological activity within the proposed development area which will require an appropriate level of archaeological mitigation. Paragraph 12.6.2 is clear that the County Archaeological Advisor will provide a mitigation Brief to
allow the archaeological contractor to produce a WSI. The mitigation is likely to take the form of strip map and sample excavation.

The proposed development will have a detrimental impact on any archaeological remains present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application.

Our standard condition is worded as follows:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:

(i) Approval of a Written Scheme of Investigation;

(ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;

(iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design; to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;

(iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To allow investigations to be made and sufficient mitigation to be secured in an area where archaeological remains are understood to exist in accordance with the requirements of the NPPF – Chapter 16 Conserving and enhancing the historic environment.

Yours Sincerely,

[Signature]

County Archaeological Advisor
Planning Services
Appendix 2.29

East Northamptonshire Council – Environmental Protection – Contamination
Thank you for consulting me on this hybrid application for a link road and associated development at this site. The application is similar to the withdrawn application 18/01197/FUL. The applicant has submitted further information with respect to land quality and risks from ground gas. Unfortunately the full report has not been finalised and may not be finished within the determination period. Further to discussion with the applicant we consider the use of planning conditions would be appropriate to address any potential risks from ground gas.

The risk assessment should be covered under a pre-commencement planning condition. Under planning legislation the applicant now requires notification of the intention to use pre-commencement conditions. Therefore, I ask that the following pre-commencement conditions are sent to the applicant for consideration and placed on the planning permission if there are no objections.

No development shall commence unless and until a risk assessment in relation to the landfill gas risk has been carried out and the consultant’s report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, the site is located on/within 250 metres of a former landfill site.

Please also place on the planning permission the following condition to address any unforeseen contamination.

If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

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

Regards

[Signature]

Senior Environmental Protection Officer
East Northamptonshire Council

Please note that from 1 February 2017, the council will open for business on Wednesdays at 9.45am. Please visit our website for online information and services www.east-northamptonshire.gov.uk

Follow us on Twitter: @ENCouncil
These comments are made with respect to air quality and sustainable transport for this planning application. Many of the sustainable transport options are directly linked to maintaining or improving air quality. Comments mostly repeat and build upon comments made under the withdrawn application 18/01197/FUL. Also taking into account measures to be implemented by the applicant in response to comments under the withdrawn 2018 application. The main difference between the 2018 and 2019 applications is the removal of a number of units and associated parking in the eastern part of the site. This has been replaced with green infrastructure.

There is no objection to the proposed development on the grounds of air quality. As there is less provision for commercial buildings and parking any impact will be less than for the 2018 application. The traffic and transport plan in section 11.0 of the Environmental Impact Assessment Statement (EIA) supports sustainable transport and addresses earlier comments. The plan seeks to encourage and support sustainable transport as follows:-
  - To promote cycling and walking.
  - To provide improved pedestrian routes and cycle ways.
  - Provision of new bus stops.
  - Provision of subsidised or free ticketing to encourage use of public transport.
  - Provision of 6 electric vehicle charging points.

These measures should be secured by way of planning conditions or agreements.

Dust emission during the construction phase will be controlled through the Construction Environmental Management Plan (CEMP). It is suggested that the measures outlined in the CEMP should be sufficient to protect amenity and the environment during works. It is suggested that a planning condition is placed on the permission to ensure the CEMP is followed. The following may suit.

The Construction Environmental Management Plan, Project Number: 12348 dated June 2018, shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of residential amenity and environmental protection.

Regards

[Redacted]

[Redacted]

Senior Environmental Protection Officer
East Northamptonshire Council
Appendix 2.31
East Northamptonshire Council – Environmental Protection – Noise
I have been asked to comment on this hybrid planning application for what is an extension to Rushden Lakes and new access off Ditchford Lane. It is a resubmission of the withdrawn application 18/01197/FUL. Having looked at this new application the main difference is the removal of a number of units and associated parking in the eastern part of the site.

The noise assessment submitted for the Ditchford Lane Link Road, 18/00004/FUL, concluded the dominant noise source in the area is and will continue to be traffic noise from the A45, even with a reduced number using the link road. It has been demonstrated the dominance of this is such that any contribution of noise from the link road and units will have little effect on the overall noise level. However, as less vehicles will be using the A45 this may result in a reduction in noise at some receptors. As such there is no objection on the grounds of noise.

However, there is a need to control operational noise from fixed plant and this can be managed by way of planning conditions as per other planning permissions for Rushden Lakes. Therefore, I would have no objections on the grounds on noise providing the following conditions are placed on the permission if granted.

Noise
Details of mechanical and electrical plant to be installed at the development shall be submitted in writing and approved by the Local Authority prior to the relevant part of the development being occupied. The rating level of noise emitted from mechanical and electrical plant to be installed on the development (determined using the guidance of BS 4142:2014, rating for industrial noise affecting mixed residential and industrial areas or any subsequent revision) shall be at least 5dB below the existing measured background level LA90,T at the nearest noise sensitive receptor during the day and night time period. The mechanical and electrical plant shall be maintained to achieve these levels in perpetuity and any replacement mechanical and electrical plant shall adhere to these restrictions.

For the purpose of the assessment the authority will accept 07:00 - 23:00 for the day time and 23:00 - 07:00 hours as covering the night time period. For the purpose of the assessment a surrogate compliance point can be agreed with the Local Planning Authority, that by calculation or modelling would result in achieving the require sound levels at the nearest noise sensitive receptor.

Reason: To prevent an increase in background noise levels and protect the amenity of any residents.

With respect to noise and vibration during the construction phase this is detailed in the Construction Environmental Management Plan (CEMP) in section 4.1 of the EIA. This is similar document to that submitted under 18/01197/FUL and as such my comments are the same.

An assessment of noise and vibration has been made for the construction phase of the new link.
road under 18/00004/FUL. The 'ABC' method as per BS 5228-1:2009 has been utilised, which considers the change in the ambient noise level with the construction noise. This method has been used for other phases of the Rushden Lakes development.

The predicted noise levels during the construction phase should not result in a significant adverse effect on the sensitive receptors. However, they may be audible at times. Based on these predicted values there is no objection to construction works with respect to noise. Providing the hours of work and working practices as stated in the CEMP are adhered to. The hours of work are stated as 08.00 to 18.00 weekdays and 08.00 to 13.00 hours on Saturday. There will be no working outside these hours. This should be replicated in a planning condition as follows.

No construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.
Reason: To protect residential amenity and the ecology of the locality.

Regards

[Signature]

[Name]
Senior Environmental Protection Officer
East Northamptonshire Council

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Appendix 2.32

East Northamptonshire Council – Senior Tree and Landscape Officer
Hi,

I have reviewed the submitted landscape plans and supporting documents for the application. The proposed landscaping is sympathetic to adjacent habitats and landscaping undertaken within the other areas of the Rushden Lakes development, there is sufficient allocation of greenspace within the site providing and useable and aesthetically pleasing site that complements the retail proposals for the site. The proposed planting mixes are suitable and will support the existing ecology of adjacent sites as well as enhancing habitat and biodiversity opportunities within the site. The proposed tree planting is along Ditchford Road has addressed comments raised in the previous application. I therefore raise no objections to the proposals.

Kind regards,

[Redacted]

TechArborA
Senior Tree and Landscape Officer
East Northamptonshire Council
Cedar Drive, Thrapston, Northamptonshire, NN14 4LZ
Tel: [Redacted]
Email: [Redacted]
Appendix 2.33

East Northamptonshire Council – Retail Consultant (Planning Prospects)
RE: Rushden Retail Proposals
Application for “Rushden Living 2019” ("RL19") Development (19/01092/FUL)
Retail and Centres Advice

Thank you for your correspondence in relation to the above application. You have asked me to look at the application from a retail and centres policy perspective.

You will recall that in a letter dated 20th December 2018 I provided you with advice on two previous planning applications at Rushden, namely:

- An application for the “Rushden Living” (RL) scheme (18/01197/FUL) – this proposed development in the same location as the current (RL19) scheme, albeit with a notably larger retail and centres use component; and

- An application for the “Rushden Gateway” (RG) scheme (18/00982/FUL) – this proposed retail and centres uses as part of a larger (employment led) development on a site close to Rushden Lakes

The conclusions I reached at that time were that RG could [just] be supported in retail and centres policy terms but that RL could not, due to concerns around impact. Having issued that advice I liaised further with you and the applicant for RL; we had a meeting and exchanged correspondence, but I remained of the view that RL could not be supported. I understand that the RL application was withdrawn and the RG application remains undetermined; in the latter case I understand that the delay in making a decision does not relate to any outstanding questions from a retail and centres policy perspective.

This letter provides advice on a similar basis in relation to the RL19 proposal. As previously, I have restricted my comments largely to the retail and centres issues raised by the applications, rather than wider matters around design, layout, highways, environmental effects and so on. You will no doubt consider those separately, and alongside my comments in the round. I have tried to distil my comments as far as possible to concentrate on the central issues rather than the fine detail but would of course be pleased to elaborate further on any point if that would be helpful.
The Proposals

Rushden Living and Rushden Living 2019

The RL scheme proposed up to 11,903 sq m GIA of accommodation, across a mix of uses. Of most relevance to my assessment was the allowance within that for up to 9,748 sq m of A1 and A3 accommodation in up to 25 units. A maximum 9,290 sq m was to be devoted to comparison goods across up to 24 units. A maximum 929 sq m was to be devoted to convenience goods across up to 3 units, and a maximum of 929 sq m for A3 (restaurant) use across up to 8 units. In any combination of these parameters the upper limits of no more than 9,748 sq m and 25 units would have applied. It was anticipated that units would range in size from 116 sq m up to 1,394 sq m at ground floor, with a further allowance across some of the units for mezzanine provision.

It was proposed that up to half of the comparison goods space (i.e. a maximum of 4,645 sq m) would be allowed to be occupied by clothing and footwear retailers. It was proposed that one unit (number 12a, extending to 458 sq m) would be occupied for convenience goods retail by “Made in Northamptonshire” (MIN), a format seeking to exhibit, promote and sell local produce. MIN would also operate two smaller ground floor units within the same building (numbers 12b and 12e, both of 116 sq m).

The net effect of the RL scheme was complicated by its interaction with previously granted development at Rushden Lakes (some elements of which are mutually exclusive), the decisions made in terms of which elements were to be developed, and the control that could be exercised over that. To this end:

- The western end of Terrace A had been addressed by two alternative proposals. These were permission reference 16/01662/FUL for 5,586 sq m of retail accommodation known as the “Terrace A Extension”, or as an alternative permission reference 17/02559/FUL for 2,601 sq m of retail accommodation known as the “Garden Square” scheme. My analysis relied on the Garden Square scheme being developed.

- Permission reference 16/01662/FUL also allowed the development of Retail Terrace D. The application for the RL scheme assumed that part of the permitted Terrace D – extending to 654 sq m at mezzanine level – would not be built out.

Taken together, these two points would have meant that 5,586 minus 2,601 plus 654 equals 3,639 sq m of previously permitted retail floorspace would no longer be built. The RL application relied on this, and I advised on the basis that this would indeed be the case.

The RL19 scheme is different. It proposes:

- A total of 1,758 sq m of A1 and A3 accommodation in 5 units, so about one fifth the size of the RL proposal

- Of this, 922 sq m would be provided in 2 convenience goods units, 372 sq m in a single comparison goods unit, and 464 sq m in two A3 units

- The convenience units would include space (690 sq m in Unit 6a) for MIN, with the remainder (232 sq m in Unit 8) also targeted at an occupier focused on selling local produce.
• In terms of other main town centre uses RL19 also proposes a very small amount (294 sq m) of B1a accommodation

• Further D1 / D2 and employment space to arrive at a total of up to 5,606 sq m of accommodation for the scheme as a whole, so about half the size of the RL scheme

The proposal includes 635 sq m of D1 and D2 space. The D2 element (264 sq m) is described as a physiotherapy / strength conditioner use providing treatment and with occasional fitness classes; I understand this primarily as a treatment facility, with any fitness element as ancillary. This strikes me as more akin to a D1 use, or perhaps a mix of D1 and D2. In any event, assuming it is controlled via condition such that it is used as proposed and as I have understood then I do not consider it should be regarded as a main town centre use. If my understanding is incorrect then clarification should be sought from the applicant and I may need to comment further. The remainder (371 sq m) is to be devoted to D1 (dental surgery and creche) activity, and hence not a main town centre use. I do not assess these elements of RL19 further here.

An allowance is made for 2,809 sq m of B1c / B2 space. This is not a main town centre use, so again not considered further here. I would simply observe that part of the stated purpose of the employment space is to provide businesses with the opportunity to showcase brands; this implies some kind of showroom or perhaps trade counter type operation. If so, any planning permission should be framed to avoid this straying into retail use.

The RL19 proposal would comprise the further, westward, expansion of the existing Rushden Lakes scheme, extending along the north side of the A45. The cluster of buildings would be separated from Rushden Lakes by the existing hotel, restaurant and petrol filling station fronting the A45, but would be accessible from Rushden Lakes, as well as from a proposed new link road extending west to Ditchford Road. An area of car parking is proposed as part of the scheme which would occupy land to the south of the Rushden Lakes leisure building and west of Garden Square.

The buildings proposed by RL19 are clustered at the western end of the site. The layout here is quite similar to that anticipated by RL for this area. However, whereas RL additionally proposed buildings alongside this, i.e. heading east towards Rushden Lakes and occupying land immediately to the west of the existing hotel, RL19 leaves this area as landscaped open space. I am sure you will consider the benefits that might be associated with securing this undeveloped land for recreational, amenity and perhaps ecological purposes as part of your wider assessment, but from a retail and centres perspective it has the effect of tending to separate RL19 from Rushden Lakes. The built element of the RL19 proposal is much more divorced from Rushden Lakes than was the case with RL, and as such would tend to operate as more of a freestanding scheme, certainly (considering the distances involved) with less propensity for people to walk between the two.

Two aspects of the proposed layout are curious. First, an area south of Unit 14, extending parallel to the A45, is shown as undeveloped and largely without landscaping. The anticipated use of this is unclear, and it appears as a plot that might be promoted for further development or car parking. Second, much of the disabled parking is aligned alongside the proposed employment units to the west. Some disabled spaces would be required here, but the greater concentration would be expected close to the retail and restaurant units. These factors, the general arrangements shown in this (south western) corner of the scheme, and other features such as the inclusion of a broad pedestrian route across the car park to the employment units, imply that conversion or alternative development for retail use would be readily achievable (subject to planning), and indeed this would be consistent with the applicant's previous aspirations for the site.
That, of course, is not a consideration for the determination of the application in front of you. I simply mention it in the context of the observations I make below about any future retail proposals.

**Rushden Gateway**

By way of comparison, and for ease of reference, the RG scheme is employment led, but also includes a supermarket of up to 1,725 sq m GIA, a standalone retail unit of 2,300 sq m, and a drive through unit of 185 sq m. The Retail Statement prepared by Pegasus indicates that the supermarket would be occupied by Aldi, and the drive through by Starbucks. No occupier is named for the other unit, but it is suggested it would be occupied by a comparison goods retailer, with the sale of food and drink limited to no more than 10% of the sales area.

The retail and drive through units would be located at the western end of the site, with the other uses proposed (mainly employment, but also a care home) extending away to the east. It occupies the wedge of land between Northampton Road and the south side of the A45, just to the east of Rushden Lakes.

**Context**

It is worth understanding how the Rushden Lakes scheme has evolved over the years. This provides the background to decision making for further retail proposals in this part of the District, and is relevant to the consideration of RL19, which would expand the concentration of centre uses alongside the existing Rushden Lakes scheme. The planning history is extensive and complex, and I do not seek to review it fully here. Rather, I simply identify the starting point with and immediately following the original permission, the current position in terms of what is allowed today, and then the effect of the current proposals, in terms of retail and food and beverage provision.

The original (Secretary of State) decision for Rushden Lakes allowed 38,388 sq m GIA of A1 floorspace within a garden centre and 24 further units, plus three restaurants totalling 1,114 sq m. The garden centre (6,886 sq m) and Terrace A (4,546 sq m) units were subject to a condition limiting the sale of goods to garden centre related items, broadly defined. Planning permission for this was granted in June 2014 under reference 12/00011/FUL.

Minor material amendments to the original scheme were approved in November 2015 under reference 15/01127/VAR. This allowed an increase in the floorspace and number of units, plus some more flexibility around the range of goods that could be sold. This allowed 42,782 sq m GIA of A1 floorspace\(^1\) within a garden centre and 28 further units, plus eight restaurants totalling 2,164 sq m.

Matters subsequently moved on via a series of planning permissions and approvals of non-material amendments, such that the current position with the implementation of the Garden Square scheme would see 45,640 sq m GIA of A1 retail floorspace at Rushden Lakes, across 48 units; had the extension to Terrace A progressed instead under planning permission reference 16/01662/FUL, the outcome would have been 48,625 sq m over 42 units. Some 22 A3 restaurant units are now in place or permitted, extending to 5,659 sq m. Previously, the scheme originally approved under 16/01662/FUL would have allowed an additional 803 sq m of A3 space in larger units before this was amended downwards. Whilst this reduction is in part counter balanced by the 139 sq m of A3 space included within the Garden Square scheme, it is still the case that the total amount of A3 space is now 664 sq m lower than the previous maximum, albeit in a greater number of units.

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\(^1\) A further 1,716 sq m was allowed for the covered sale of plants
The maximum number of A1 retail units permitted at Rushden Lakes was 50, at the time of the RL application; the effect of subsequent applications has been to reduce this to 48. The (historic) maximum amount of A1 floorspace was 48,625 sq m, albeit across fewer units. For A3 restaurants the maximum number is the current 22, and the (historic) maximum amount of A3 floorspace was 6,323 sq m, again across fewer units.

The scheme which is now implemented (i.e. with Garden Square) has almost twice as many retail units as that in the original [Secretary of State] scheme, and seven times as many restaurants. It has almost 19% more retail floorspace, and over 400% more restaurant floorspace; in both cases a greater amount of floorspace has previously been permitted.

In addition to the permitted retail, food and beverage provision, planning permissions have been granted since the original decision which allow the development of a block containing a cinema and other leisure uses (12,815 sq m in total). This adds to the overall appeal of Rushden Lakes, and contributes to the destination value of the place. I do not comment on this (leisure) aspect further here; rather, I simply highlight it as further evidence of the way in which the scheme has been transformed since it was first allowed.

All of this has been approved, and as such considered acceptable at the time the various decisions were made. This background serves to illustrate that even before the RL19 and RG applications are determined, this is a location where an initially substantial out of centre scheme has incrementally expanded over the years such that the number of units and the amount of floorspace allowed is now materially greater.

Again using the scheme now implemented (i.e. with Garden Square) as a baseline:

- RL would have increased the amount of A1 retail space by up to 9,748 sq m or 21%, and the number of A1 units by up to 25, or 52%. For RL19, the A1 retail space would be increased by 1,294 or 3%, and the number of A1 units by three, or 6%.

- RL would have increased the amount of A3 restaurant space by up to 929 sq m or 16%, and the number of A3 units by up to 8, or 36%. For RL19, the A3 restaurant space would be increased by 464 or 8%, and the number of A1 units by two, or 9%.

The relevance of these figures lies in giving a sense in comparative terms of the scale of development proposed, but also by way of context when referring back to my comments in relation to the Garden Square application (17/02559/FUL) which I set out in a letter to you dated 26 February 2018. The conclusions I reached in that letter are as follows; some of the figures quoted in this passage do not quite coincide with those referred to above as the overall scheme has since changed, and different points of reference for comparison are used. Nonetheless, the overall sentiment remains valid:

"This, final, point, around the reduced turnover associated with the reduced scale of the [Garden Square] scheme as now proposed [compared to the permitted extension to Terrace A] is an important one. Without this – for example if instead the proposal was to retain the same amount of floorspace, but subdivision it into a greater number of units – it is likely that the scheme would be unacceptable.

\[2\] It should be noted that the maximum figures referred to here for RL are mutually exclusive – it would not be possible to deliver the maximum A1 and A3 development, but rather a combination up to 9,748 sq m and 25 units
The increase in the number of retail units concerns me – from 42 to 49 if this application is approved, and up from 35 over the last couple of years. I think it is important that this change is highlighted to Members to make clear the gradual change that has been sought at Rushden Lakes over recent times. The character of the place has already changed considerably from what was envisaged earlier, and this would be exaggerated further by the current proposal. I think three points emerge from this.

First, as the number of units increases there is a greater propensity for the scheme to poach tenants from defined centres. The risk here is reduced by the prospect that the types of retailers likely to be attracted to Garden Square may be different to those with a presence in centres in the area. However, there is no certainty in this regard, and the concern increases in line with the number of units added. I consider that the “no poach” condition must be retained and applied in relation to Wellingborough. You might also take the view that it should be extended to include Rushden and Kettering as well.

Second, as the number of units grows the prospect of new entrants to the market, i.e. businesses currently without a presence locally, choosing Rushden Lakes rather than units in the centres in the area similarly increases. It will be harder for centres to attract retailers looking to gain their first presence in this market. In the current, challenging, retail environment the pool of potential tenants to attract is already considerably restricted relative to what has historically been the case, and the current proposal will make that difficult position even harder.

Third, increasing the number of units means that there would be greater variety, and greater choice – there would be more names above more doors, and this would have the effect of broadening the appeal of Rushden Lakes. This speaks in part to the point I raise above in terms of the net impact of the new floorspace on previously permitted floorspace within the scheme; it strikes me there will be some uplift to existing retailers through new custom, as well as diversion from them to Garden Square, and the overall net effect of that might be more trade diverted from other locations than has been assumed in the Retail Assessment.

In short, there is a balance to be drawn between the positive effect of the reduction in turnover associated with the current proposal compared with what has already been approved, and the negative effects from the increase in the number of units. The latter point is an important, and troubling, one. However, on balance my view is that the current application should, just, be regarded as acceptable in retail and centres policy terms if:

- The number of units is controlled to prevent future subdivision, in circumstances where the significant increase in the number of units is already a particular concern
- The “no poach” condition is applied to Wellingborough, and that careful consideration is also given to extending it to Rushden and Kettering
- The ”fashion floorspace” condition is applied
- Absolute certainty is provided, by legal agreement if required, that the limit on clothing and footwear would cover Terrace D as well as Garden Square in all circumstances and however the various permissions are built out
- Unit L15 is certain not to come forward, and controls are in place (if required) to ensure this
- 7 -

- The measures previously required through the S106 agreement continue to operate
  and apply in the same manner to that originally intended in relation to all planned
development as a whole across Rushden Lakes"

From this it is clear the view I look at this point (January 2018) was one of caution in terms of the
acceptability of any further development at Rushden Lakes.

Policy Overview

My letter of 20th December 2018 set out a review of relevant policy. The overall position in that regard
has not moved on, and I do not repeat my earlier comments here, save for some concluding remarks:

“in summary then, the Development Plan strategy is one which seeks to strengthen the
identified towns as focal points for growth. The regeneration of the town centres is prioritised.
The role of Rushden Lakes is acknowledged, but in the context of the then permitted scheme.

In the northern part of the JCS area floorspace requirements (albeit not immediate ones) are
identified for Kettering and Corby. For the southern area, including Rushden and
Wellingborough, no specific requirement is identified; there, the emphasis for centres is on
consolidation, adaptation and operating successfully alongside Rushden Lakes until the
implications of that scheme can be understood.

It should immediately be clear that there is a tension between this strategy and the proposals –
particularly the RL scheme – being considered here.

The sequential and impact tests are required by both local and national policy.”

These observations remain relevant in relation to the RL19 proposals.

Sequential Test

The correct approach to the sequential test has evolved through case law, and its application has
been clarified by Secretary of State decisions. Recently (1 October 2018, i.e. following the publication
of the revised NPPF) the Secretary of State considered this in detail in refusing planning permission for
the extension of the Mall at Cribbs Causeway near Bristol, after the application was called in for his
determination. There is no need to rehearse here the detail of the approach taken by the Inspector
and largely endorsed by the SoS, save to comment that one central strand of this was to examine
whether the relevant parts of a “broadly similar” scheme could be accommodated more centrally.

For RL19, as with RL, there are a number of aspects of the commentary provided by the applicant
around the sequential test that I disagree with. In particular I disagree with the suggestion in the
submitted Retail Assessment that there is a site specific locational requirement. That said, the approach
they ultimately allight on – where sites of 0.5ha or larger are considered – seems generally appropriate
to me in terms of accommodating the relevant parts of a broadly similar scheme.

In my earlier advice to you, and on the same basis, I concluded that the RL (and RG) schemes were
acceptable in sequential terms. I have not seen evidence to suggest that a different conclusion should
be reached now in relation to RL19.

I have seen objections to RL19 from those representing investors in Kettering, as well as Kettering
Borough Council. These objectors make observations around the sequential test, but do not appear to
highlight any specific opportunities which might be regarded as a preferable alternative for RL19. I have also seen the objections made by the Borough Council of Wellingborough and Northampton Borough Council, but these are directed more towards concerns around impact, which I consider below.

Impact

I have considered the impact of the RL19 proposal on the basis it is submitted, i.e. (from a retail perspective) comprising three units, of the size indicated, and the occupiers specified. In particular, I have assumed that any permission would be conditioned to control occupation of the largest retail unit (6a) to M1N, the balance between convenience and comparison floorspace as indicated, and similarly unit size and subdivision as indicated.

As was the case for RL, the quantitative analysis in support of the RL19 scheme relies on historic survey and other data which have been used consistently over a period of time to inform the various applications at Rushden Lakes. You will recall I have previously questioned whether it was still appropriate to use these historic data. The on balance view I took in the past was it would be appropriate, whilst observing there are legitimate grounds to criticise it. Objectors to the RL19 scheme have indeed criticised it.

The particular circumstances of the current application – notably the very small comparison goods element, and very specific character of the convenience goods element – mean that I do not consider the data give rise to a particular concern in this case. However, future retail development proposals, other than very minor ones, should now be supported by new data, including a new survey and the latest available population and expenditure data.

Rushden Living 2019

The comparison goods impact of the RL19 scheme, as analysed in the submitted Retail Assessment, is suggested to be marginal when considered cumulatively with the Garden Square scheme, arriving at a lesser impact than would have been the case if the alternative (Terrace A extension) permission had been implemented. Intuitively this seems reasonable; the comparison retail element of the RL19 scheme is quite small – a single unit of 372 sq m. In assessing this impact it is unhelpful that the health check analysis in the Retail Assessment has not been brought fully up to date, but I am not convinced that should be fatal in this case in circumstances where I do not consider that with the implementation of RL19 the impact will be materially different to that arising from already permitted development.

The health check analysis that is provided within the Retail Assessment indicates for example:

- A significant increase in the number of vacant units in Rushden and a decline in the number of convenience goods outlets, albeit with the number of food and drink outlets holding steady
- The number of vacant units and food and drink units in Wellingborough holding steady, with a notable increase in the number of convenience goods units
- Low vacancy rates in Higham Ferrers, Raunds and Irthlingborough
- An increase in the number of vacant units in Kettering such that it has now returned to be comparable with levels reached in the last recession
This picture is a mixed one and aspects of it (although by no means all of it) are concerning, and reflective of the wider malaise in the retail sector and town centres generally. I have taken this into account in formulating the views expressed here, and it would certainly be a key consideration in relation to any future proposals which may come forward, particularly larger scale ones.

For convenience goods, the main part of the RL19 scheme is the MiN element. This is not of a particularly substantial scale in relative terms. It would have some distinct merits in terms of its proposed role and function. Its nature as a collective operation, bringing together and acting as an outlet for local producers, is different to that of a conventional shop operated by a single business. In my view it would tend more to add choice to the convenience retail market in this area rather than create direct competition. Whilst the submitted Retail Assessment conducts a sensitivity test to examine the implications of this space achieving sales comparable to those associated with national multiple retailers, I do not consider in reality it would perform at this level. The specialist nature of MiN makes it difficult to assess but in my view its turnover would be relatively low, with a small amount of trade diverted from a wide range of shops.

For the A3 element, the RL19 scheme proposes a significant reduction when compared with that proposed by RL. I also note from the Retail Assessment that with the RL19 scheme the overall amount of A3 floorspace at Rushden Lakes would still be less than the maximum historically allowed prior to the amendment of the original leisure building permission.

In my advice to you on the RL application I identified a significant concern in relation to the number of units that was proposed. As discussed above, in relation to the Garden Square application, I previously advised it would be likely that a further increase in the number of units at Rushden Lakes would be unacceptable. I raised concerns in this regard in terms of the risk of poaching tenants from existing centres, the increased competition for new entrants to the market, and the boost to the appeal of the existing provision at Rushden Lakes. The RL proposal would have brought about a step change in the number of retail units at this location, increasing it by 25, equivalent to 50% (at that time from 50 to 75 units).

Matters have moved on and the baseline position is now 48 retail units at Rushden Lakes, which would increase to 51 with RL19 in place, i.e. just 1 more than the maximum previously considered acceptable. RL19 also proposes a much more modest increase in the number of A3 units. The overall number of units at Rushden Lakes remains a key concern for reasons including those set out in my previous advice, but I do not consider that it would be possible to sustain a reason for refusal of RL19 on this basis.

In the round, then, I consider that RL19 is acceptable in impact terms.

Rushden Gateway

Whilst you have not asked me directly to re-examine the RG scheme in light of the RL19 application, I would offer the following comments in circumstances where it remains undetermined.

In relation to comparison goods, I previously noted that the total amount of floorspace developed around Rushden Lakes with RG in place and Garden Square rather than the extension to Terrace A, would be no more than what was already approved with the latter under reference 16/01662/FUL. This remains the case. The development approved under reference 16/01662/FUL would have delivered 2,985 sq m more floorspace than was ultimately provided through the alternative Garden Square scheme. Some 372 sq m of comparison retail space would be provided by RL19, and 2,300 sq m in the main comparison retail element of RG. For the reasons set out in my earlier advice this is of course
something of an oversimplification, but I remain of the view that it would be difficult to sustain a reason for refusal on this basis.

For the convenience goods element of RG the comments I made in my earlier advice remain valid. It is qualitatively quite distinct from what is proposed through RL19 with MHN, and I do not consider that the cumulative effect of the two would be unacceptable.

Finally, and as with RL19, the number of units remains a concern. However on reflection, and having regard to the advice I gave to you following our meeting with the RL / RL19 applicant earlier this year, I am of the view that this should – just – be acceptable.

Objections

As discussed above I have seen objections to the RL19 application from those representing investors in Kettering, as well as Kettering, Wellingborough and Northampton Borough Councils. I agree in principle with a number of points made in these submissions. However, I tend to think that they would be more pertinent to any future proposals which might come forward for larger scale development. In practice, in relation to the specific character of the current proposals, they do not cause me to alter the views I have expressed above.

As was the case with the RL scheme concerns are again raised about the impact of RL19 on investment but this is expressed in general terms and without reference to any particular examples or evidence. On the basis of the information I have seen I do not at this stage raise an issue in relation to impact on investment.

Conclusion

I consider that RL19 is acceptable in sequential terms. I consider that RL19 is acceptable in impact terms, although I am mindful that aspects of the health of town centres locally are a matter of concern. I consider that RL19 and RG could both be allowed, in both cases subject to conditions, although that conclusion is a very marginal one. Any future applications for retail development, other than very minor ones, should now be supported by new data, including a new survey and the latest available population and expenditure data. Any such applications should also pay careful regard to up to date health check data in the context of ongoing concerns about the strength of town centres.

Conditions

From the discussion above, and generally, I consider that any planning permission for RL19 should be conditioned to ensure the development reflects what has been proposed and assessed. Such conditions should include:

- Limits on the amounts of comparison, convenience, and A3 floorspace, and the number of such units, to reflect the figures in the application submission
- Prevention of the sub-division of the A1 and A3 units
- Restricting use of unit 6a to an operation consistent with the MHN concept
- Controls to ensure the character of the D1 and D2 activity is of a scale and character consistent with that specified in the submission material
- Controls on any showroom or trade counter space in the employment units

More generally, the "no poach" condition applied at Rushden Lakes should also be adopted for RL19. I am mindful of the criticisms of such an approach but consider in this particular case where it would be applied to a limited number of A1 and A3 units it could be reasonably effective.

I trust that these comments are helpful. Needless to say, please do not hesitate to contact me should you want me to provide additional detail on any point or discuss matters further.

Yours sincerely

[Redacted]

- MRTP, Director
For and on behalf of Planning Prospects Ltd
Appendix 2.34

East Northamptonshire Council – Planning Policy
Thank you for your email.

The site subject to the application you are considering overlaps slightly with the area we are proposing as Protected Employment Area EPA29 (Rushden Lakes) in the emerging Local Plan. See attached Plan showing EPA29 for you to compare.

Most of the rest of the site subject to application 19/01092/FUL falls within an area covered by a representation from Quod to the Local Plan asking for it to be included (see attached second plan showing in red the area subject to their representation). It is understood that the application you are considering forms the 1st phase of the land subject to this representation. Overall, Quod, on behalf of LXB, are seeking for the land west of Rushden Lakes to be a hub for innovative local employment and supporting commercial, community, health, education/creche, live/work and residential development all integrated into the local nature conservation setting.

We reported the Quod representation to the Planning Policy Committee on 1st April 2019 and the matter was further verbally updated to Committee on 29th April 2019 (see attached extract from both the minutes) and consideration of the representation is still ongoing.

Hope this helps as background information.

Pending the outcome of this, North Northamptonshire Joint Core Strategies 22 and 23 are the main consideration.
From: [redacted]
Sent: 03 September 2019 13:17
To: [redacted]
Cc: [redacted]
Subject: Rushden Living - 19/01092/FUL
Importance: High

Hi

I’m writing up the application for Rushden Living now and have been going through consultation responses today. I can’t see anything from Policy (or the JPDU for that matter).

From my brief conversations with [redacted] I’m aware that there is a desire by the applicant for this land to be included in the LP Part 2 as an allocation for development, but my understanding is that there is currently no policy basis for development of the site.

In [redacted] absence are you or [redacted] able to put together a response for me this week please?

Many thanks

[redacted]

Principal Development Management Officer
East Northamptonshire Council

Direct Line: [redacted]
Duty Planner: 01832 742225
www.east-northamptonshire.gov.uk
Appendix 2.35

East Northamptonshire Council – Landscape and Visual Impact (LVIA) Consultant (Iain Reid)
East Northamptonshire Council

Land west of Rushden Lakes, Rushden, Northamptonshire (ENC Planning Application No 19/01902/FUL).

Review of Landscape and Visual Impact Assessment

Iain Reid Landscape Planning Ltd
www.ianreidplanning.co.uk

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1.0 Introduction

1.1 Iain Reid Landscape Planning Ltd has been appointed by East Northamptonshire Council (ENC) to carry out this review of the landscape and visual aspects of a 'Hybrid application comprising: A full application for the erection of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works' on 11.07 hectares (27.4 acres) of land to the west of Rushden Lakes, Rushden, Northamptonshire (ENC Planning Application No 19/01902/FUL).

1.2 This review has been undertaken by Iain Reid Dip TP MRTPI Dip LD CMLI, a Director of Iain Reid Landscape Planning Ltd. He has over 45 years experience in planning and landscape work in the United Kingdom, in both private and public sectors, including 10 years in local government in Leicestershire - latterly in charge of forward planning for one of the District Councils - and over 35 years experience in consultancy, primarily as a partner and director of Lovejoy (originally Derek Lovejoy Partnership), and latterly Managing Director, based in the Leicester and Birmingham offices, until late 2009 before establishing his current practice. Much of his work in the private sector has involved the planning, environmental assessment and landscape design of a wide range of development proposals, including freight termini, motorway service areas, waste disposal and management facilities, mineral extraction, and large scale employment, residential and mixed use development proposals. He has given evidence relating both to planning matters and to landscape and visual matters at more than 200 public inquiries - at Development Plan Inquiries/Examinations and at Planning Appeals - throughout England, Wales, Scotland, the Isle of Man and the Republic of Ireland. In the last three years, he has carried out a number of reviews of Landscape and Visual Impact Assessments (LVIA) and Landscape and Visual Appraisals (LVA) submitted to ENC in support of major planning applications in the District.

1.3 The planning application is supported (inter alia) by an Environmental Impact Assessment (EIA); the EIA contains, at Section 6 a Landscape and Visual Impact Assessment prepared by The Environment Partnership (TEP). Although the application site and the surrounding area is not described explicitly in the LVIA, it is described in reasonable detail within Section 3 of the EIA (paras 3.3.1-3.3.4), at Section 2 of the submitted Design and Access Statement (DAS) (the same text as in Section 3 of the EIA) and at para 2.4 of the submitted Planning Statement (PS) and thus no further site description is provided here.

1.4 This review has not entailed a separate LVIA or a LVA of the application proposals. The comments set out below are based on a review of the assessment provided by the applicants, and on site observations, and are an indication only of the likely levels of landscape and visual effects. The scope of this review has entailed:

- A desk review of existing published documents on landscape character relating to the application site and the surrounding area at national, regional, and county levels;

1

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• A desk review of the relevant landscape planning policies in the extant Development Plan;
• A site visit in early October 2019 to view the site from locations identified in the submitted LVIA and from elsewhere in the locality; and
• A review of the text, tables and figures in the submitted LVIA.

1.5 This review is structured as follows:
   a) Section 2 considers the submitted LVIA;
   b) Section 3 assesses the landscape effects of the proposed development;
   c) Section 4 assesses the visual effects of the proposed development;
   d) Section 5 discusses relevant landscape planning policies; and
   e) Section 6 sets out conclusions.
2.0 The Submitted Landscape and Visual Impact Assessment

2.1 The submitted LVIA states that it has been prepared in accordance with current best practice as set out in (inter alia) the Guidelines for Landscape and Visual Impact Assessment – Third Edition (LVIEMA, 2013) (GLVIA3). GLVIA 3 does not set out a prescriptive approach to how assessments or appraisals should be done, but identifies principles and good practice. It is inferred that the methodology employed is one that has been one developed by TEP. A brief summary of selected facets of national and local planning policy and the approach to the conduct of the LVIA is set out at section 6.2. The methodology of the LVIA is set out at section 6.3; the previous planning applications on the site (Planning Application Nos 18/00004/FUL for the Ditchford Road Link Road (permitted) and 18/01197/FUL for retail and commercial development and associated works (withdrawn) were both supported by LVIAs prepared by TEP using the same methodology.

2.2 Consistent with the advice in GLVIA3, the LVIA distinguishes between landscape and visual effects. In respect of both landscape and visual effects, consistent with GLVIA3, the LVIA assesses separately the sensitivity of the baseline (or receptors) and the magnitude(s) of change, and uses the judgments reached in respect of each to form an overall conclusion on the level and nature of both landscape and visual effects. Sensitivity for both landscape and visual effects is derived through judgments made on the interaction between the value of the receptor, and its susceptibility (to change from the application proposed) – consistent with the advice set out in GLVIA3. The terms used for landscape sensitivity and visual sensitivity are defined in Tables 6.1 and 6.3, and the terms used for magnitude of impacts are set out in Tables 6.2 (landscape impacts) and 6.4 (visual impacts). In each table, the range of considerations is clearly explained.

2.3 The LVIA methodology is well explained, and the terms used are defined clearly and unambiguously. The overall effects (both landscape and visual) are expressed as a range: Substantial; Moderate; Minor; Negligible and Neutral (encompassing both adverse and beneficial effects) and the specific and relative significance of these terms is explained in detail in Table 6.6 for both landscape and visual effects. The LVIA assesses the landscape and visual effects that will arise during construction; at the operational stage (described as ‘post completion’, although this covers years 1-15 following construction (see further below)); and as residual effects - stated as being at 15 years following post completion, taking account of embedded mitigation measures (those incorporated with in the development proposal (e.g. earthworks)) and those that will arise over time, including the development and maturing of proposed planting.

2.4 GLVIA3 recognises that ‘Professional judgment is a very important part of LVIA.’ (at para 2.23) and notes (at para 2.24) that ‘In all cases there is a need for the judgments that are made to be reasonable and based on clear and transparent methods so that the reasoning applied at different stages can be traced and examined by others.’ GLVIA3 further notes at the end of Section 3 that ‘Assessing the significance of landscape and visual effects is a matter of judgment. It is vital that the basis of such judgments is transparent and understandable, so that the underlying assumptions and reasoning can be examined by others.’

The LVIA recognises the potential importance of professional judgment. Table 6.5, which shows how the judgments made in respect of sensitivity and magnitude of impact (for both landscape and visual effects) interact, qualifies how the matrix in the table operates, particularly in respect of effects between ‘Moderate’ significance and
below, noting that professional judgment and reasoning can be brought to bear – although importantly, for effects greater than Moderate (i.e. Substantial) no such qualification is offered.

2.5 The submitted LVIA described the baseline conditions in terms of land use, topography and landform, hydrology, vegetation, green infrastructure, public access and existing built development and transport patterns in the text at Section 6.4 and in Figures 6.4-6.7. Para 6.4.3 et seq considers and summarises facets of the published landscape character assessments, at national, regional and local levels, focussing primarily on the Northamptonshire Environmental Character Assessment (ECA) and the Northamptonshire Current Landscape Character Assessment (CLCA), with selected extracts from the CLCA. This section highlights the key characteristics of the Woollaston to Irchester Landscape Character Area (LCA12a) as part of the Limestone Valley Slopes Character Type (LCA 12) within which the major part of the application site is located, and also the relevant characteristics of The Nene - Billing Wharf to Woodford Mill Broad Valley Floodplain (LCA18d) - part of the Broad River Valley Floodplain Character Type (18) – which applies to the northern part of the application site. This section does not deal with other parts of the ECA namely the Northamptonshire Historic Landscape Character Assessment (HLCA); and the Northamptonshire Biodiversity Character Assessment (BCA). Para 6.4.19 summarises what it describes as the ‘key characteristics’ of the area around the application site as follows:

- 'Lakes to the north and north east of the Application Site set within wet woodland including: Delta Pit Lake, Skew Bridge Ski Lake in Skew Bridge Lakes LWS; the lakes within Ditchford Reserve LWS; and the lakes within Wilson's Pits LWS form part of a group of lakes scattered along the south side of the River Nene;
- Lakes to the north west of the Application Site in and around Irthlingborough Grange Gravel Pits LWS;
- A45 dual carriageway to the south of the Application Site with the Skew Bridge roundabout to the east; and
- Large scale industrial and retail sheds to the south of the A45 the north side of Rushden, with rooftlines visible from the Application Site.'

Notably, it is not contended that the existing retail and commercial development at Rushden Lakes is considered to be a key characteristic.

2.6 Para 6.4.33 et seq deals with the visual baseline, and identifies 16no selected viewpoints based upon the Zone of Theoretical Visibility (ZTV) Plans at Figures 6.1 (Bare Earth – i.e. ignoring effects of existing development and on and off site vegetation) and 6.2 ((Screened – i.e. taking into account the effects of existing development and on and off site vegetation in limiting visibility). Figure 6.3 shows the location of the representative viewpoints in relation to the application site and the screened ZTV, and Table 6.8 provides fuller detail of the selected viewpoints, which are illustrated by panoramic site photographs at Figures 6.8.1-6.8.8. The LVIA text also explains (at para 6.4.39) that a number of other representative viewpoints were considered but rejected. At para 6.4.42 et seq a fuller discussion is set out in respect of the differing types of visual receptors (Residential; Users of Public Rights of Way and Permissive Footpaths; and Business, Commercial and Institutional Receptors) represented by the selected viewpoints. In the light of that discussion, Table 6.9 sets out the respective sensitivity for each of the representative viewpoints.

2.7 The assessment of the landscape and visual effects is set out in Section 6.5 and the judgments made are considered further below. The two sets of effects are

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considered together at the various development stages, as noted at para 2.3 above. Following a consideration of landscape and visual effects of the proposed development at the construction stage (at paras 6.5.7-6.5.14 and 6.5.15-6.5.32 respectively), the assessment then considers the effects at the post construction stage (at paras 6.5.34-6.5.38 for landscape effects and at paras 6.5.39-6.5.55 for visual effects). As with the discussion at para 6.4.42 in respect of the differing types of receptors, the visual effects are considered by receptor type and by individual receptors; the assessment notes the differences in effects (for both landscape and visual) between Year 1 and Year 15 post construction, thus taking into account the effects of the embedded mitigation measures.

2.8 Para 6.6.1 notes that beyond those embedded mitigation measures, no further measures are proposed, and thus residual effects are considered at Section 6.7; residual landscape effects (cross referred to landscape character areas defined in the CLCA and landscape resources/features on and adjoining the application site) are set out in Table 6.10 and residual visual effects (cross referred to identified receptors) in Table 6.11, for both construction and post construction stages. Section 6.8 considers the cumulative effects - again distinguishing between landscape and visual effects at the construction (paras 6.8.5-6.8.31) and post construction stages (paras 6.8.33-6.8.51) of the proposed development and the previously approved Leisure and Retail 2016 development (now partly implemented). Para 6.8.1 notes that for the purposes of the LVIA ‘...it is assumed that all aspects of the Approved Leisure and Retail 2016 Scheme and the Garden Square that are located within the Application Site for the Proposed Development are directly replaced by the Proposed Development.’

2.9 Section 6.9 sets out a summary of the conclusions of the LVIA and Table 6.12 summarises the landscape and visual effects at construction and post construction stages, both for the development and the cumulative effects, noting the relative significance of the respective effects at the differing stages, and also the residual effects.

2.10 Considered against the guidance set out in GLVIA3, the scope of the LVIA, its methodology and coverage is considered to be comprehensive and coherent, and thus satisfactory.
3.0 Assessment of Landscape Effects

3.1 As noted above, the assessment of landscape effects is set out within the LVIA at varying stages of the proposed development and also in respect of cumulative effects. The approach adopted entails an assessment of landscape effects in respect of separate geographic areas (Landscape character areas/ sub areas identified in the CLCA (see para 2.5 above)) and the landscape resource – on the application site and in its context with the local landscapes found within the floor of the Nene valley, focussing particularly on the Local Wildlife Sites (LWS) lying to the north, north east and north west of the application site. The facets assessed are:

- LCA 18 Broad River Valley Floodplain sub-area 18d The Nene – Billing Wharf to Woodford Mill.
- LCA 12 Limestone Valley Slopes sub-area 12a Wollaston to Irchester
- LCA 4 Rolling Ironstone Valley Slopes sub-area 4g Irthlingborough Slopes
- Application Site including landscape features, and small portion of the Ditchford Reserve LWS, semi-improved grassland and agricultural land.
- Landscape features; setting, openness and sense of tranquillity at wider Ditchford Reserve LWS, Delta pit Lake LWA, Skew Bridge Lakes LWS, Wilsons Pits LWS, and
- Setting and sense of tranquillity at Irthlingborough Grange Gravel Pits LWS.

3.2 The findings of the LVIA in respect of the landscape effects of the proposed development are summarised in Table 1 below:

<table>
<thead>
<tr>
<th>Table 1 : Landscape Effects of Proposed Development: at Construction and Operational Stages; and Residual Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facet</td>
</tr>
<tr>
<td>LCA 18d</td>
</tr>
<tr>
<td>LCA 12a</td>
</tr>
<tr>
<td>LCA 4g</td>
</tr>
<tr>
<td>Application site</td>
</tr>
<tr>
<td>Ditchford Reserve LWS, Delta Pit Lake LWA, Skew Bridge Lakes LWS, Wilsons Pits LWS</td>
</tr>
<tr>
<td>Irthlingborough Grange Gravel Pits LWS</td>
</tr>
</tbody>
</table>

The LVIA considers that there will be limited yet consistent Minor adverse landscape effects arising from the proposed development. The landscape effects on the local character sub-areas (LCAs 18d, 12a and 4g) are all judged to be limited primarily because the application site comprises a relatively small area within the respective LCA sub-areas and the application site is proximate to existing commercial and industrial land uses. The landscape effects on all but one of the facets assessed are judged to be either Minor or Negligible. The most substantial landscape effect – rated consistently throughout the construction, post construction and residual stages
- will be on the application site itself, where the landscape effect is described as Moderate to Minor adverse. Using the terms defined in the LVIA (in Table 6.6 of the LVIA) this means that the development would give rise to either a 'Noteworthy or medium change to sensitive landscape ….conditions that are considered to be a 'Significant Effect' (Moderate Significance) or a 'Minor change to sensitive landscape …. conditions in which there will be no significant change to baseline conditions.' (Minor Significance). It is arguable whether the changes to the application site could be considered to be a minor change. Irrespective of that point the LVIA acknowledges in terms that the changes to the application site are potentially significant landscape effects. That said, such a landscape effect is inevitable to a degree where a largely greenfield site is proposed to be developed for commercial and associated built land uses.

3.3 In respect of cumulative landscape effects the LVIA reaches very similar conclusions to those reached in respect of the proposed development when assessed on its own, save that at the Residual effects stage (i.e. 15 years after post construction) it is considered that all of the landscape receptors will experience only a Minor adverse effect.

3.4 The discussion in the LVIA text of each of the facets relating to landscape effects arising from the proposed development and in relation to cumulative effects is considered to be thorough and objective. The judgements made in the text and in the relevant tables (particularly Table 6.12) are considered to be reasoned and reasonable. No disagreement is raised in respect of the judgments made, or the conclusions reached and it is accepted that, save in respect of the landscape effects on the application site itself, that the proposed development would not give rise to any significant adverse landscape effects. It is agreed that there would some element of significant adverse landscape effect arising from the proposed development on the application site.
4.0 **Assessment of Visual Effects**

4.1 The detail of the assessment of visual effects of the proposed development is set out in narrative form in section 6.5 of the LVIA, with, as noted above, the visual effects are considered at the construction and post construction stages, for the proposed development alone, and then the cumulative visual effects of the proposed development and the *Leisure and Retail 2016 Scheme*. The visual effects on the differing types of receptors ((Residential; Users of Public Rights of Way and Permissive Footpaths; and Business, Commercial and Institutional Receptors) are set out in narrative form, with, where relevant, the differences in visual effects that will arise at Years 1 and 15 during the post construction stage (taking account of embedded mitigation measures such as new planting). Residual effects – i.e. those obtaining after 15 years post construction and beyond are also noted. Table 6.10 summarises the residual visual effects by receptor, and Table 6.12 sets out in a comprehensive form, the visual effects at all the development stages for both the proposed development alone and the cumulative effects in association with the *Leisure and Retail 2016 Scheme*. The visual effects on the differing receptors types and individual receptors are discussed further below at para 4.6 et seq.

4.2 The rationale for the selection of the representative viewpoints is set out at para 6.4.38 and in table 6.8. Of the 20 receptors assessed in the LVIA, 1 represents residential receptors; 13 represent PROW/ permissive path receptors (one of which is also a Road receptor); 4 represent Roads (one of which is also a PROW receptor) and 2 Business/ commercial receptors. The views from these receptors are illustrated by 16 no. representative viewpoints, shown at Figures 6.8.1-6.8.8. The representative viewpoints considered in the LVIA can be divided into three groups; those that are either located within, or adjacent (up to 250m) to the application site - viewpoints 3, 7, 8; 11 and 13; those that are located between 250m and 1km – viewpoints 1, 2, 4, 5, 6, 10, and 12; and those located in excess of 1km from the application site – viewpoints 9, 14, 15 and 16. The receptors used in the LVIA are the same as those that were used in the LVIA for the Ditchford Road Link Road (ENC Planning Application 18/00004/FUL) as are 13 of the 16 representative viewpoints (or locations very close nearby); the application LVIA adds 3 ‘new’ representative viewpoints to those used in the LVIA for the Link Road alone.

4.3 The range and location of visual receptors and representative viewpoints used in the visual assessment is considered acceptable. There are no other receptors or representative viewpoints that have been identified in addition to those considered in the LVIA. Appendix 6.3 to the LVIA sets out in detail the assessment of visual effects of the proposed development for each representative viewpoint.

**Residential Receptors**

4.4 The only residential receptors potentially affected by the proposed development lie on the upper slopes of the northern side of the Nene valley at Stone Cross Farm South View Farm and Irlhingborough Grange, located between 1.4 and 1.9km north west of the application site. The planned development of Stanton Cross will in time lead to further residential properties being developed around Irlhingborough Grange. From these more elevated receptors, there are expansive views over and along the Nene valley and the proposed development will be seen, at all development stages, partly set against the backdrop of rising landform south of the A45, and existing planting on and off the application site, and existing built development at Rushden Lakes and north and south of the A5001. The LVIA considers that the visual effect of the proposed development on these residential receptors will be Moderate adverse at
construction stage, but would reduce to a Minor adverse effect post construction and as a residual effect. These judgments are accepted and agreed.

**Users of Public Rights of Way and Permissive Footpaths**

4.5 In the vicinity of the application site there are a number of existing public rights of way (PROW) and a number of permissive paths that have been laid out within the Nene Wetlands. The principal visual effects arising from the proposed development will be perceived from these routes. From the A45 PROW UK1 runs north along the eastern edge of the application site adjacent to the A45 Service area and then crosses the application site (over the dismantled railway line) and then runs north west/ west to Ditchford Road. It links with permissive paths to the north and east (the latter running along the north side of the Rushden Lakes cinema/ leisure development). The major effect on this route will be experienced south of the dismantled railway line. It is relevant to note that the southern part of this PROW appears to be little used; access from the A45 is both difficult and dangerous (although the route extends south of the A45 to the A5001 via PROW, and at the time of the site visit in early October 2019 that part of the PROW over the dismantled railway embankment was impassable. Nonetheless, it is a significant receptor and the LVIA judges that the visual effect of the proposed development on PROW UK1 south of the dismantled railway line will be Moderate adverse at construction and operational stages, and that will maintain as a Moderate adverse residual visual effect. That judgment is accepted and agreed. Given the definition at para 6.3.45 of the LVIA the effect on PROW UK1 south of the dismantled railway line would be a significant effect. Table 6.6 of the LVIA describes an effect of Moderate Significance as a 'Noteworthy or medium change to sensitive ...visual conditions that are considered to be a 'Significant Effect'. North of the dismantled railway line the visual effects of the proposed development will be reduced; although some works (new surface water attenuation ponds) are proposed, the LVIA considers that the visual effects will be Minor adverse at construction and thereafter. This judgment is also accepted and agreed. The same conclusion would also apply (although the LVIA does not expressly describe them in detail) for the visual effects of the proposed development on the permissive paths north of PROW UK1, on the south side of Little and Big Lakes.

4.6 The Nene Way is a long distance footpath, using established public rights of way (PROW) that runs from near Daventry to the Wash. Close to the application site it runs through the Nene Wetlands Nature Reserve north and north west of the application site through and adjacent to land previously worked for minerals, leaving large areas of standing water and regenerating woodland and scrub. To the east of Ditchford Road the Nene Way is PROW UE2, and runs along the north bank of the River Nene. West of Ditchford Road, the Way is also denoted as PROW UE2 in the LVIA, although the on line version of the Definitive Map denotes it as PROW TL10/UL10; to avoid potential confusion the numbering used in the LVIA will be used here. Beyond the industrial buildings complex at Ditchford Mill (through which the PROW passes) the Nene Way runs along the north side of the River Nene between lakes in the Irthlingborough Grange Gravel Pits Local Wildlife Site (LWS), beneath the Wellingborough – Bedford rail line and then becomes PROW TL5, which crosses the Nene near Chester House and then runs south. To the east of the Ditchford Road, the LVIA judges that although the sensitivity of the Nene Way is rated (correctly) as High due to its acknowledged sensitivity as a regional recreational route), the visual effect of the proposed development will be Minor adverse at the construction stage reducing to Negligible adverse thereafter. That judgment is reached on the basis that there are intervening belts of riparian and lakeside vegetation that together will
screen views even in winter. That judgment is accepted and agreed. To the west of Ditchford Road, there are more open views over pasture land and the lake used by the Nene Valley Water Ski Club towards the application site; the more elevated part of the site, where the majority of the built development is proposed, is visible from a variety of locations along this part of the Nene Way. The LVIA judges that the visual effects of the proposed development on this section of the Nene Way/PRoW UE2 (up to its junction with PRoW TL10) will be Moderate adverse at construction and operational stages, and that that effect will endure as a residual visual effect. This judgement is accepted and agreed; given the definition at para 6.3.45 of the LVIA the effect on the Nene Way west of Ditchford Road/ Mill would be a significant effect.

4.7 PRoW TL3 runs south west from Ditchford Road to cross the A45 (where it becomes PRoW TL2) and the rail line towards Irchester. The line of the PRoW falls in level from Ditchford Road to the west and it is only immediate to its junction with Ditchford Road that there would be a view of the application site and of the proposed development on it. As noted and discussed further below in relation to the view from this part of Ditchford Road (at para 4.9) there are open views west from the eastern end of PRoW TL3 adjacent to Ditchford Road over the application site. The LVIA judges that there will be a Moderate adverse visual effect on this viewpoint at the construction and operational stages, and that that will maintain as a residual visual effect. This judgement is accepted and agreed; given the definition at para 6.3.45 of the LVIA the effect on PRoW TL3 at Ditchford Road would be a significant effect. The 'rating' of the visual effect from PRoW TL3, as compared to Ditchford Road arises because the methodology of the LVIA attributes a higher sensitivity to PRoW than roads. From PRoW TL2 south of the A45 views towards the application site and to development upon it would be screened by off site vegetation and local landform (or in combination) and the LVIA judges that the visual effect on this PRoW will be Negligible adverse; this judgment is accepted and agreed.

4.8 The LVIA considers other potential views from local PRoW and permissive paths; PRoW UM1, which runs north of Wellingborough Road near Stone Cross Farm (see para 4.4 above) towards Finedon; PRoW UK42 which runs south from the A5001 to the south of the application site; the permissive path that encircles Skew Bridge Lake north of Rushden Lakes; and from the pedestrian footbridge over the A45 between Rushden Lakes and Crown Way adjacent to the A45/ A5001/ B645 roundabout. In each instance the LVIA judges that the effects at construction and operational stages and as a residual visual effect will be either Minor adverse or Negligible adverse (although curiously Table 6.12 judges the residual visual effect on the A45 pedestrian overbridge to be Minor adverse when the visual effect at the construction and operational stages is judged to be Negligible adverse). Subject to correcting that residual judgement to 'Negligible adverse' the judgments made in the LVIA in respect of these other PRoW are accepted and agreed. Lastly, the LVIA includes, as a representative viewpoint (Viewpoint 14) the view west from the Nene way where it crosses the A45 on a footbridge to the east of the A45/ A5001/ B645 roundabout. The visual effect of the proposed development on this receptor, as indicated in the table at LVIA Appendix 6.4 would be Negligible adverse/ neutral; this is agreed.

Road and Rail Users

4.9 The principal visual effect of the proposed development in respect of road and rail receptors will be from Ditchford Road adjacent to the proposed junction with the Ditchford Road Link Road (for which, as noted above at para 2.1 planning permission has previously been granted but which also forms part of the current planning application). That section of Ditchford Road north of the application site, where it
crosses the River Nene adjacent to Ditchford Mill, is heavily screened by existing tree and scrub planting alongside the road and around Little Lake within the Nene Wetlands. Closer to the junction with the A45 (and A5001) to the south, there are open views east over the application site and beyond to the existing development at Rushden Lakes. The LVIA considers that the visual effect on this short section of Ditchford Road will be Moderate adverse at construction stage, reducing to Minor adverse thereafter. That conclusion is generally agreed, save that in the earlier stages post construction, before embedded mitigation planting can begin to take effect, it is considered that the visual effect would be Moderate to Minor adverse, although it is accepted that by Year 15, when mitigation hedge and woodland planting along the eastern edge of Ditchford Road and the Link Road/ surface water attenuation basin will have developed more substantially the overall visual effect will be Minor adverse. From other roads (A45/ A5001/ Mill Road and Wellingborough Road (B571) the proposed development is judged in the LVIA as likely to give rise to Minor or Negligible adverse visual effects during the construction stage, and thereafter, because the development on the site will either not be seen, on account of intervening development and or existing planting (for views from the A45 and A5001) or will be seen, intermittently on account of roadside vegetation but would be set against the backdrop of existing rising landform, planting and (in part) existing development (for views from Mill Road/ Wellingborough Road). The judgments made in the LVIA in respect of the visual effects on road users are therefore accepted and agreed. As noted at para 6.4.53, the LVIA ‘scoped out’ the prospect of possible visual effects on rail users of the Wellingborough-Bedford rail line, which crosses the River Nene by bridge/ embankment ca 1km west of the application site; it is accepted there would no adverse visual effect on rail users.

Business, Commercial and Institutional Receptors

4.10 The proposed development would be visible from two locations immediately adjacent to the application site, from Rushden Lakes retail development ca 180m to the east of the built development within the application site and from the petrol filling station and Travelodge within the A45 Service Area ca 140m to the east of the proposed built development. Both receptors are considered to be of low sensitivity and the extent of development on the application site visible from both would be small; the LVIA considers that the overall visual effect on these nearby receptors would be Minor adverse or Negligible adverse at the construction stage and Negligible adverse or Neutral thereafter; these judgments are agreed.

4.11 Table 2 below shows the summary findings of the LVIA in respect of the visual effects of the proposed development (taken from Table 6.12). Significant effects (as defined at para 6.3.45 of the LVIA) and as discussed and described above are shown in bold.
Table 2: Visual Effects of Proposed Development: at Construction and Operational Stages; and Residual Effects

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Construction Stage</th>
<th>Operational Stage</th>
<th>Residual Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Properties to NW</td>
<td>Moderate adverse</td>
<td>Minor adverse</td>
<td>Minor adverse</td>
</tr>
<tr>
<td>PRoW UK1 south of disused railway</td>
<td>Moderate adverse</td>
<td>Moderate adverse</td>
<td>Moderate adverse</td>
</tr>
<tr>
<td>PRoW UK1 north of disused railway</td>
<td>Minor adverse</td>
<td>Minor adverse</td>
<td>Minor adverse</td>
</tr>
<tr>
<td>PRoW TL3 at, and west of Ditchford Road</td>
<td>Moderate adverse</td>
<td>Moderate adverse</td>
<td>Moderate adverse</td>
</tr>
<tr>
<td>PRoW UE2 (Nene Way) east of Ditchford Road</td>
<td>Minor adverse</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
</tr>
<tr>
<td>PRoW UE2 (Nene Way) west of Ditchford Road to PRoW TL10</td>
<td>Moderate adverse</td>
<td>Moderate adverse</td>
<td>Moderate adverse</td>
</tr>
<tr>
<td>PRoW UE2 (Nene Way) west of Ditchford Road nr Irthlingborough Grange LWS</td>
<td>Moderate adverse</td>
<td>Moderate adverse</td>
<td>Moderate adverse</td>
</tr>
<tr>
<td>PRoW UM1</td>
<td>Minor adverse</td>
<td>Minor adverse</td>
<td>Minor adverse</td>
</tr>
<tr>
<td>PRoW TL2</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
</tr>
<tr>
<td>PRoW UK42 adjacent to A5001</td>
<td>Negligible adverse</td>
<td>Neutral</td>
<td>Neutral</td>
</tr>
<tr>
<td>Permissive path on east side of Skew Bridge Lake</td>
<td>Minor adverse</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
</tr>
<tr>
<td>Permissive path on north side of Skew Bridge Lake</td>
<td>Minor adverse</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
</tr>
<tr>
<td>Permissive path on west side of Skew Bridge Lake</td>
<td>Minor adverse</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
</tr>
<tr>
<td>Pedestrian Footbridge over A45</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
<td>Minor adverse</td>
</tr>
<tr>
<td>Ditchford Road adjacent to junction with proposed Link Road</td>
<td>Moderate adverse</td>
<td>Minor adverse</td>
<td>Minor adverse</td>
</tr>
<tr>
<td>Mill Road/ Wellingborough Road</td>
<td>Minor adverse (Mill Road)/ Negligible adverse (Wellingborough Road)</td>
<td>Minor adverse</td>
<td>Minor to Negligible adverse</td>
</tr>
<tr>
<td>A45</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
</tr>
<tr>
<td>A5001</td>
<td>Negligible adverse</td>
<td>Neutral</td>
<td>Neutral</td>
</tr>
<tr>
<td>Rushden Lakes retail area</td>
<td>Negligible adverse</td>
<td>Neutral</td>
<td>Neutral</td>
</tr>
<tr>
<td>Commercial uses adjacent to A45 service area</td>
<td>Minor adverse</td>
<td>Negligible adverse</td>
<td>Negligible adverse</td>
</tr>
</tbody>
</table>

4.12 In summary it is considered that the LVIA has identified the likely overall geographic extent of possible visual effects of the proposed development. Within that area, the LVIA has then assessed all the relevant potentially critical viewpoints/receptors. The judgments made in the LVIA in respect of the visual effects of the proposed development at the varying stages of site development are considered reasonable.
and realistic. The LVIA acknowledges explicitly that the proposed development of the application site would give rise to significant visual effects in respect of certain visual receptors. This review, apart from very minor differences noted above, accepts and agrees with the findings of the LVIA in respect of the visual effects of the proposed development.

4.13 The LVIA assesses the cumulative visual effects of the proposed development along with the visual effects of the development of the 'Approved Leisure and Retail 2016 Scheme and the Garden Square' and reaches very similar conclusions to those reached in respect of the proposed development when assessed on its own, at the Residual effects stage (i.e. 15 years post construction). Although certain visual receptors will experience a slightly greater adverse effect from the cumulative development - typically Minor adverse rather than Negligible for the application proposals alone (e.g. The Nene Way, the permissive paths around Skew Bridge Lake, and from Rushden Lakes and the A45 Service Area) - the only visual receptor where the cumulative effects would amount to Moderate Adverse (and hence a significant effect) that would not arise from the application development alone would be from the Nene Way/PRoW UE2 east of Ditchford Road.

4.14 It is important to acknowledge here that a finding of a significant visual effect does not, of itself, mean that a proposed development is per se unacceptable: it is an acknowledgement that the proposed development would have such an effect and it is then for the decision maker to weigh that effect against other considerations, and relevant planning policies. In relation to visual effects, the role of this review is to consider whether the submitted LVIA has fairly and reasonably assessed the likely significant visual effects of the development now proposed, and in the light of its findings on that issue, to then assess those conclusions against the provisions of planning policy. It is considered that the LVIA has assessed the likely visual effects comprehensively, reasonably and realistically. The summary position is that the LVIA has properly identified a limited number of visual receptors that would experience significant and enduring adverse visual effects as a consequence of the proposed development.
5.0 Landscape Planning Policies

5.1 The discussion on landscape planning policy below considers solely the extent to which the proposed development would comply with relevant polices in the Development Plan (or not). The Development Plan comprises the North Northamptonshire Joint Core Strategy (NNJCS) and the ‘made’ Raunds Neighbourhood Plan (RNP). This section does not seek to effect any judgment on ‘planning balance’; that is a matter for others. The LVIA does not provide any assessment of how the proposed development would (or would not) meet the provisions of planning policy, although Section 6 of the PS sets out what are considered to be the relevant ‘Planning Considerations’; environmental effects are set out at paras 6.65-6.84. Appendix 6.2 notes the relevant planning policies that provide the Landscape Planning Policy Context. Save for the inclusion of NNJCS Policy 1 Presumption in favour of Sustainable Development the policies identified in Appendix 6.2 are agreed as relevant to the landscape and visual effects of the proposed development.

5.2 The relevant landscape planning polices in the Development Plan are considered to be Policies 2 Historic Environment; 3 Landscape Character; 4 Biodiversity and Geodiversity; 8 North Northamptonshire Place Shaping Principles; 11 The Network of Urban and Rural Areas; 19 The Delivery of Green Infrastructure; and 20 Nene and Ise Valleys (NNJCS); and Policies EN1 Design in development; and EN2 Landscaping in development (RNP). As shown on the RNP Policies map, the application site lies outwith the defined settlement boundary (RNP Policy H1); although that policy deals with the suitably of land outside of the defined settlement boundary for housing development, the RNP is silent on what effect the settlement boundary should have in respect of other uses, including those subject to this application. The provisions of the National Planning Policy Framework (The Framework) are also relevant, particularly Section 15 relating to the natural environment.

5.3 Policies EN1 and EN2 of the RNP cover matters that are either part of the requirements of NNJCS Policy 3, 8 and 19 or relate to detail design considerations that are not relevant to this review of the landscape and visual effects of the proposed development.

5.4 There is a degree of overlap between heritage considerations and landscape and visual considerations in respect of NNJCS Policy 2 Historic Environment. Policy 2 requires that the historic environment of North Northamptonshire should be protected, preserved and where appropriate enhanced. The policy contains a series of separate considerations, including the intents to (a) ‘...conserve and where possible enhance the heritage significance and setting of an asset...in a manner commensurate with its significance,’ and (c) to ‘...protect, and where possible enhance key views... (to) ..church spires along the Nene Valley.’ There would thus be no conflict with Policy 2 Historic Environment of the NNJCS.

5.5 Policy 3 Landscape Character of the NNJCS requires that development should be located and designed in a way that is sensitive to its landscape setting, and sets out a range of criteria that development should meet. It is important to recognise that the policy does not in any way preclude development, but seeks that it respect and enhance, where possible, the local character and the landscape. The supporting text also notes at para 3.25 that ‘Landscape mitigation measures can reduce, potentially remedy or offset against negative landscape impacts. These measures should be
designed to suit the existing landscape character and needs of the locality, respecting and building on local landscape distinctiveness and helping to address any existing landscape issues.’

The LVIA acknowledges, in terms, that the proposed development would give rise to significant and adverse visual effects for a limited number of receptors – most of which (but not all) are immediate or proximate to the application site. That a development gives rise to a significant effect or effects does not necessarily mean that the development should be refused planning permission; much will depend on the specific tests set by relevant planning policies and the judgments made on them. On balance, it is considered that the proposed development (taking into account the proposed mitigation measures) would:

- affect adversely the character and quality of the local landscape – although it is acknowledged that that local character would be redefined by the development proposed (consideration (a)). That adverse effect arises primarily from the significant adverse visual effects recorded in the LVIA but also the recognition that, as now configured, the built elements of the application are proposed to be physically separated from the existing (and permissioned) built development extent of Rushden Lakes, thus weakening the debatable contention that the proposed development would be perceived in the context of, and as a modest extension to the existing built development to the east; and as recognised by the acknowledged Minor to Moderate adverse landscape effect of the proposed development. It is indisputable that that existing built development at Rushden Lakes pays negligible regard, particularly in its massive western flank, to the scale or character of the local landscape, and it would be perverse to argue that the current application should be permitted because it is contended that it is consistent in some respect with existing development which itself is at odds with that local character;
- retain and enhance features of landscape importance – the existing planting within the site (the disused railway embankment) and to the site edges (consideration (b));
- have no effect on the safeguarding or enhancement of an important view (consideration (c));
- have no effect in relation to the landscape setting of Rushden (consideration (d)); and
- provide appropriate landscape mitigation and/or suitable off-site enhancement (criterion (e)).

There would thus be some element of conflict with Policy 3 criterion (a) Landscape Character of the NNJCS. The submitted PS considers, at para 6.6.5, that ‘…the Proposed Development will conserve the character and qualities of the local landscape and provide appropriate landscape mitigation, in accordance with Policy 3 of the (NN)JCS.’ That conclusion is not supported by the findings of the LVIA and thus is not accepted.

5.6 Policy 4 Biodiversity and Geodiversity of the NNJCS seeks a net gain in terms of biodiversity. In landscape terms, although the LVIA does not expressly assess the nature and extent of such biodiversity change, given that part of the application site (between the proposed built development and the western end of the exiting Rushden Lakes development) is proposed to be changed from agricultural use to managed green infrastructure, it is acknowledged that it would be possible to achieve net biodiversity gain within the application site. There would thus be no conflict with and an opportunity to secure significant local benefits to meet the ambitions of Policy 4 Biodiversity and Geodiversity of the NNJCS.
5.7 Only some of the provisions of Policy 8 *North Northamptonshire Place Shaping Principles* of the NNJCS touch on matters of landscape and visual effect – although a number of the criteria relate to detail design matters that are not part of this review. Section (d) of the policy deals with matters of local character; given the proposed location of the existing built development within the application site, and its physical separation from the existing form of Rushden Lakes development it is arguable whether the proposed development would meet the requirements of criterion (d)(i) and it is considered that the proposed development would not satisfy the ambition of criterion (d)(ii) because the development is on a greenfield site, entailing some redefinition of local topography and it is poorly related to the form, character and landscape setting of the locality. Whilst criterion (d)(ii) does not use the word ‘locality’ – it uses the word ‘settlement’ – it would be perverse to suggest that this aspect of the policy should not be considered relevant to the application, even though, as noted above, the application site lies largely outside the settlement boundary of Rushden defined in the RNP. The submitted PS expressly considers the various aspects of NNJCS Policy 8.

5.8 Policy 11 of the NNJCS deals with *The Network of Urban and Rural Areas*; as such it is primarily directed to the balance of growth between the urban and rural areas and settlements within each separate category. It is not a landscape planning policy per se, and in landscape terms, it is considered that the proposed development would not give rise to any conflict with the policy.

5.9 NNJCS Policies 19 *The Delivery of Green Infrastructure* and 20 *Nene and Ise Valleys* can be considered together as they are generally and specifically concerned with the provision of multipurpose Green Infrastructure along (inter alia) the Nene Valley. As noted above in respect of NNJCS Policy 4, the potential development of the application site would include the development and management of a part of the application site as accessible open space, which could form part of the wider green infrastructure of the Nene Valley, notably the existing extensive Nene Wetlands Nature Reserve to the north. As a consequence, it is considered that there would be no conflict with, and the opportunity to secure some local benefits to meet the ambitious of NNJCS Policy 19 *The Delivery of Green Infrastructure* and Policy 20 *Nene and Ise Valleys*.

5.10 Section 15 of the Framework deals with ‘Conserving and enhancing the natural environment’. Paragraph 170 of the Framework requires that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by (a) protecting and enhancing valued landscapes...’. What constitutes a ‘valued landscape’ is not defined in the Framework, and it is generally a matter of judgment for the decision maker. The LVIA does not consider expressly whether the application site or the surrounding area is, or is not a ‘...valued landscape...’, but does express the view (at para 6.5.7) that the existing features on the site (save the dismantled railway embankment) are wholly typical of the locality but are of limited landscape value. That conclusion is accepted and agreed, and it is considered that neither the application site nor the immediate area surrounding the site could be classed as a ‘valued landscape.’

5.11 Paragraph 170 (b) also emphasizes the need to recognise ‘...the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’ whilst para 170 (d) notes the need to minimise ‘...impacts on and providing net gains for biodiversity, including by
establishing coherent ecological networks that are more resilient to current and future pressures'. These considerations deal with the same matters as NNJCS Policies 3 and 4 noted above. Paragraph 172 of the Framework is directed to the conservation of landscape and scenic beauty in identified areas of national landscape value; the application site does not lie within such an area and as, such, this paragraph is not considered relevant to the application proposals.

5.12 In overall terms, based on the above critique of the application proposals, it is concluded – as the LVIA itself concludes - that the planning application would give rise to some degree of adverse landscape effects and also to a number of significant and adverse visual effects. It follows therefore that the proposed development would give rise to conflict with certain relevant aspects of Development Plan policy, particularly NNJCS Policy 3 (a), and also to NNJCS Policy 8(d). It is acknowledged that a constituent part of the current planning application – the Ditchford Road Link Road – already has benefit of planning permission, and for the avoidance of doubt, it is necessary to distinguish between those elements of the current proposals that are accepted (the Link Road) and those that are considered to be in conflict (the retail and related development). The proposed development would not conflict with any of the other NNJCS or RNP general policies; given the conflict with NNJCS Policy 3 it also follows that there would be some element of conflict with para 170(b) of the National Planning Policy Framework – but no conflict with other provisions in relation to the intrinsic character and beauty of the countryside.
6.0 Conclusions

6.1 The planning application is supported by a Landscape and Visual Impact Assessment (LVIA). Considered against the guidance set out in the Guidelines for Landscape and Visual Impact Assessment – Third Edition, the scope of the LVIA, its methodology and coverage is considered to be comprehensive and coherent, and thus satisfactory. The judgements made in the LVIA in relation to the landscape effects of the proposed development are considered to be reasoned and reasonable, and it is accepted that, save in respect of the landscape effects on the application site itself, that the proposed development would not give rise to any significant landscape effects. In relation to visual effects, it is considered that the LVIA has assessed the likely visual effects comprehensively, reasonably and realistically. The summary position is that the LVIA has identified a limited number of visual receptors that would experience significant and enduring adverse visual effects as a consequence of the proposed development.

6.2 The proposed development would give rise to some degree of adverse landscape effects and also to a number of significant and adverse visual effects. It follows therefore that the proposed development would give rise to conflict with certain relevant aspects of Development Plan policy, particularly NNJCS Policy 3 (a), and also to NNJCS Policy 8(d). It is acknowledged that a constituent part of the current planning application – the Ditchford Road Link Road – already has benefit of planning permission, and thus it is necessary to distinguish between those elements of the current proposals that are accepted (the Link Road) and those that are considered to be in conflict (the retail and related development). The proposed development would not conflict with any of the other NNJCS or RNP general policies; given the conflict with NNJCS Policy 3 it also follows that there would be some element of conflict with para 170(b) of the National Planning Policy Framework – but no conflict with other provisions in relation to the intrinsic character and beauty of the countryside.
Case Officer Patrick Reid 19/01233/FUL

Date received 12 July 2019 Date valid 15 August 2019 Overall Expiry 22 Nov 2019 Ward Rushden Spencer Parish Rushden

Applicant Crown Park Estates

Agent Morton Architectural Solutions

Location Francis Court Wellingborough Road Rushden Northamptonshire NN10 6AY

Proposal Proposed 5 light industrial units to replace previously demolished units

This application is brought before the Council's Planning Management Committee as it is a major industrial/commercial development.

1 Summary of Recommendation

1.1 Recommendation:

1. That planning permission be GRANTED subject to:

a) Receipt of satisfactory comments from the Local Highway Authority prior to Committee;

b) Completion of a legal agreement (or other suitable mechanism) to secure obligations (highway contributions) as set out in this report by 22nd November 2019 (or other agreed date); and

c) Conditions as set out at section 11 of this report and any additional conditions necessary in light of the response from the Local Highway Authority.

2. In the event b) above is not met in the agreed timeframe, delegate to the Head of Planning Services to REFUSE planning permission.

2 The Proposal

2.1 The proposal comprises the development of five light industrial units to be within the use classes B2 (general industrial) or B8 (storage and distribution). The development is to comprise a total of circa 3,850 sqm, including three units of 719 sqm and two units of 850 sqm. The units are to adjoin each other in one building which will incorporate two ridges of slightly different heights due to the change in land level. The building is to be around 93m in length and 42m in width. It will include a stepping back of the front elevation after the first two units as viewed from the road.

2.2 The proposed works include the alteration of the access and the closing up of a secondary access. Parking is to be provided to the front of the units to be finished with block paving and road surface to be constructed using tarmac.

2.3 The development is to be finished with external materials of profiled metal sheeting, brickwork and metal cladding. The roof is to include metal sheeting containing rooflights.
3 The Site and Surroundings

3.1 The application site comprises an area of land in the north-western part of Rushden. The area is characterised by industrial and commercial units. The site is adjacent Wellingborough Road to the south which also serves as an access to a number of other parts of the industrial estate.

3.2 The site is understood to have previously been occupied by industrial units. These have been demolished and no structures remain on the land. It is served by two accesses off Wellingborough Road, one of which is larger and shared with an adjacent unit.

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

4 Policy Considerations

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

4.2 North Northamptonshire Joint Core Strategy (JCS) (2016)
   - Policy 1 - Presumption in Favour of Sustainable Development
   - Policy 3 - Landscape Character
   - Policy 4 - Biodiversity and Geodiversity
   - Policy 5 - Water Environment, Resources and Flood Risk Management
   - Policy 6 - Development on Brownfield Land and Land Affected by Contamination
   - Policy 8 - North Northamptonshire Place Shaping Principles
   - Policy 9 - Sustainable Buildings
   - Policy 10 - Provision of Infrastructure
   - Policy 11 - The Network of Urban and Rural Areas
   - Policy 19 - The Delivery of Green Infrastructure
   - Policy 20 - Nene and Ise Valleys
   - Policy 22 - Delivering Economic Prosperity
   - Policy 23 - Distribution of New Jobs
   - Policy 25 - Rural Economic Development and Diversification

4.3 Rushden Neighbourhood Plan (RNP) (made 2018)
   - Policy H1 - Settlement Boundary
   - Policy EN2 - Landscaping in Development
   - Policy EN3 - Rushden’s Greenways
   - Policy T1 - Development Generating a Transport Impact
   - Policy EJ2 - New Employment Floor Space

4.4 Other Documents
   - Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
   - Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
   - East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)
   - East Northamptonshire Council - Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document (2016)
5 Relevant Planning History

5.1 08/00933/FUL - Retention of waste paper extraction unit (Retrospective). Permission 23.12.2008

6 Consultations and Representations

6.1 Neighbours
None received.

6.2 Rushden Town Council
Comments received 12.09.19: No objection.

6.3 Natural England
Comments received 27.08.2019: No objection.

6.4 Northamptonshire County Council - Local Highway Authority
Comments received 30.08.2019: Comments include –
- Request further details of the access width and radius
- Swept path analysis requested
- Existing footpath and verge would require to be reinstated where the secondary access is to close
- Query of how the electric sub-station will be accessed and maintained
- Request that a contribution be made towards the Greenway Cycleway. A bus shelter should be installed at nearby bus stops and a raised kerb for access. A suitable crossing should be provided
- A right turn ghost island is required. This may require localised widening of Wellingborough Road
- Evidence required to show positive means of water run-off
- Evidence required to demonstrate suitable parking for the existing unit

Subsequent comments received following receipt of additional information 04.11.2019: The LPA needs to satisfy themselves that the General Arrangement is satisfactory, however the LHA would query the lack of any pedestrian crossings pavements for navigating through the car park safely while HGV’s and cars are reversing. As well as the obstruction caused by the lorries to the parked cars, whilst any off-loading occurs. The application site is not affected by a Public Right of Way.

6.5 East Northamptonshire Council - Environmental Protection Officer
Comments received 26.09.2019: No objection subject to condition relating to noise levels identified within the accompanying noise assessment.

6.6 East Northamptonshire Council - Tree Officer
Comments received 28.8.2019: No objections.
6.7 Northamptonshire County Council - Lead Local Flood Authority

Comments received 27.08.2019: Additional information required.

Subsequent comments received 07.10.19: No objection subject to conditions.

6.8 Northamptonshire Police

Comments received 04.09.2019: No objection.

6.9 Campaign for Dark Skies

Comments received 03.09.2019: We would expect the lighting to be designed and fitted to minimise glare, energy waste and upward waste light. A condition is recommended to control this.

6.10 Northamptonshire County Council - Key Services

Comments received 22.08.19: 1x fire hydrant required at a cost of £892, suggested condition relating to this.

6.11 Anglian Water Services

Comments received 17.09.19: No objection subject to conditions.

7 Evaluation

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

Principle of Development

7.2 The application site comprises an area of land located within an industrial area in Rushden. The site is adjacent industrial uses and has previously been subject of business use classes in the past. The site has been cleared and no structures remain on the land. As such, the site represents a vacant plot of land within an area characterised by business and industrial uses. Policy EJ2 of the RNP supports the provision of new employment floorspace. The proposal is acceptable in principle.

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

7.3 The layout of the development places the building on the western site of the side, utilising the access toward the south-east. It retains a gap to the adjacent unit to the east where there is a commercial unit with parking to its side. The building will back onto the adjacent unit and the rear of the building will be a relatively simple design incorporating metal sheeting. The outlook and view from the site to the north-west is not of particular sensitivity and the proposed design is considered to have an acceptable appearance from this viewing point.

7.4 The elevation to face Wellingborough Road will include the side of the units beside the 'open' parking and access space. The scale of the building will not be out of character with the surroundings and is not considered to be excessive. The façade of a profiled
metal sheeting would appear appropriate for the context.

7.5  The front elevation will have a functional appearance, containing the entrances to the separate units. It is considered it is appropriate in its appearance.

7.6  Overall the building is considered to be of an appropriate scale and appearance for the site. In respect of the suitability of the access and parking layout from a highways perspective, these are considered in a separate section of this report. In terms of the visual impact however, it is considered acceptable.

7.7  In terms of safety and security, the County Police Design Advisor has commented on the application raising no objection. Additionally, the Campaign for Dark Skies has commented and their comments seek to ensure that lighting from the development does not have an unnecessarily harmful effect on the environment. A lighting plan was submitted which indicates the position and types of lighting to be provided within the external areas. The lighting proposed is primarily downward facing and limited to that necessary to serve the car park and access at dark times of the day. The proposal is considered acceptable in this respect.

Highway Safety and Parking

7.8  The local highway authority (LHA) has been consulted and requested further information. This was subsequently provided by the applicant and the LHA has issued revised comments which query the arrangements for pedestrians. Officers consider that a condition can be imposed to agree appropriate details and are seeking confirmation from the LHA that this is an acceptable approach. This matter will be concluded on the Update Report.

Noise

7.9  A noise assessment was submitted with the application and the Council’s Environmental Protection Officer commented on the application. They have advised that they have no objection subject to a condition being applied relating to the noise levels specific within the report which accompanies the application.

Floodrisk and Drainage

7.10 The application is supported by a Flood Risk Assessment which has been subject of review by the County Council as the Lead Local Flood Authority. The comment is that the proposal is satisfactory subject to conditions being applied.

Ecology

7.11 The site is currently cleared of buildings and at the time of the site visit appeared to be primarily dirt/gravel covered, with little evidence of vegetation. The site in its current form is of minimal ecological value and such considerations do not present a reason to prevent the proposed development.

Amenity of Nearby Units

7.12 The proposed development is set away from the existing unit which will share the same access. There will be no harm to the amenity in respect of light or privacy of that unit.
7.13 The building will back onto the adjacent site to its rear and to the north-east will be its side elevation, from which there will be no detrimental impact. The proposal is considered to be acceptable in terms of the impact on neighbouring units.

Tree Impact

7.14 The proposal has been considered in terms of its impact on trees and the Council’s Tree Officer has raised no objection.

Developer Contributions

7.15 Northamptonshire County Council has requested a contribution of £892 for a fire hydrant to serve the site. It is considered this matter can be controlled by condition.

7.16 The LHA has requested contributions in their response summarised at paragraph 6.4 above. The recommendation is subject to these being secured via a suitable mechanism.

8 Other Matters

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

8.2 Health Impact Assessment: Paragraph 91 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe communities. Having regard to the nature of the proposed development, it is not considered that the proposal raises any significant concerns in respect of health and wellbeing. Separate legislation is in place to control pollution from industrial processes which could potentially take place under a B2 use.

9 Conclusion / Planning Balance

9.1 The provision of five B2/B8 use class units is acceptable in principle and the proposed development is considered to be acceptable in terms of its visual impact, impact on the amenity of surrounding units, impact in terms of drainage, ecology and noise. At the time of writing, a further response from the LHA is awaited - to confirm whether a condition will address the matters raised by them. This matter will be concluded on the Update Report and the proposed recommendation has been drafted to reflect this.

10 Recommendation

10.1 1. That planning permission be GRANTED subject to:
   a) Receipt of satisfactory comments from the Local Highway Authority prior to Committee;
   b) Completion of a legal agreement (or other suitable mechanism) to secure obligations (highway contributions) as set out in this report by 22nd November 2019 (or other agreed date); and
   c) Conditions as set out at section 11 of this report and any additional conditions necessary in light of the response from the Local Highway Authority.

2. In the event b) above is not met in the agreed timeframe, delegate to the Head of Planning Services to REFUSE planning permission.
11 Conditions

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
   - Location Plan ref. 1631.100;
   - Scheme on survey ref. 1631.102A
   - Proposed elevations ref. 1631.103A
   - Proposed access layout ref. 18190/S/HO1A
   - Lighting Plan ref. 14828-1-A

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

3. Prior to the commencement of development, the details of the materials to be used on the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the development.

4 Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment Proposed Industrial Development Francis Court Wellingborough Road Rushden Northamptonshire NN10 6AY rev C ref 187-FRA- 01 A prepared by MAC dated 18th September 2019 will be 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 chambers, outfalls/inlets and attenuation structures

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

iii) Cross sections of control chambers and flow control manufactures hydraulic curves

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

5 No occupation 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 which organisation or body will be the main maintaining body where the area is multifunctional (e.g. open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include:

- A maintenance schedule setting out which assets need to be maintained.
- At what intervals and what method is to be used.
- A site plan including 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 and maintain it with appropriate plant machinery.
- Details of expected design life of all assets with a schedule of when replacement assets may be required.

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

6 No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment Proposed Industrial Development Francis Court Wellingborough Road Rushden Northamptonshire NN10 6AY rev C ref 187-FRA-01 A prepared by MAC dated 18th September 2019 has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority. The details 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
- e) Confirmation that the system is free from defects, damage and foreign objects

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

7 The rating level of noise emitted from the development hereby permitted (determined using the guidance in BS 4142:2014 ‘Methods for rating and assessing industrial and commercial sound’ or any subsequent revision) shall not exceed the operational noise levels stated in section 5.7 of the noise assessment Ref: 25167-04-NA-01 dated August 2019.

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

8 No development shall take place until a scheme and timetable detailing the provision of the fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
9 The use of the hereby permitted development shall be for B2 (general industrial) or B8 (storage and distribution) purposes only. Notwithstanding the provisions of the General Permitted Development Order (GPDO) (2015) as amended, no change of use to residential purposes shall occur without the formal approval of the Local Planning Authority.

Reason: In the interest of retaining the site for employment uses.

12 Informatives

1 Conditions 3, 4, 5 and 6 require details to be submitted to and approved in writing by the Local Planning Authority (LPA). For condition 3, the details are required prior to the commencement of the development, to ensure the development is satisfactory in respect of visual appearance.

2 The Applicant has agreed to the pre-commencement condition, no. 3.

3 For the purpose of determining the noise levels as per condition 7 of this planning permission, this may be determined by direct measurement or calculation based upon levels at a surrogate noise monitoring location.

4 With reference to Condition 8, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure.
The application is brought before the Planning Management Committee because of an objection from the Parish Council contrary to the recommendation. This falls outside of the Scheme of Delegation in Part 3.2 of the Council’s Constitution (2019).

1 Summary of Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2 The Proposal

2.1 The application proposes conversion of listed farm buildings to create 3 dwellings together with demolition of modern agricultural buildings and construction of 2 new build dwellings. The schedule of accommodation would be as follows:

- Plot 1 (conversion) – 4-bed
- Plot 2 (conversion) – 4-bed
- Plot 3 (conversion) – 3-bed
- Plot 4 (new build) – 4-bed
- Plot 5 (new build) – 5-bed

3 The Site and Surroundings

3.1 The application site is in the centre of the village and within the Lower Benefield conservation area. There is no defined settlement boundary for Lower Benefield but all proposed built form would be within the conservation area, and would see the removal of agricultural structures adjacent to its boundary. The site is bordered by Main Street to the south, the A427 to the east, open countryside to the north and dwellings on Main Street / Causin Way to the west.

3.2 Currently the site benefits from three access points, two of which are onto Main Street, with the other being onto the A427. All three access points are proposed to be retained.

3.3 Lower Benefield is a linear settlement and this site comprises a farm complex with farmhouse in the centre of the village. For the avoidance of doubt, the farmhouse is excluded from the red line boundary as this is to be retained and unaltered; albeit its parking arrangements would be altered.
3.4 The buildings which would form plots 1, 2 and 3 are Grade II listed (as is the farm house) and a separate Listed Building Consent application has also been submitted (18/02364/LBC). This is under separate consideration by the council and will not be determined before this application is heard by the Planning Management Committee.

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 3 - Landscape Character
   - Policy 4 - Biodiversity and Geodiversity
   - Policy 8 - North Northamptonshire Place Shaping Principles
   - Policy 11 - The Network of Urban and Rural Areas
   - Policy 25 - Rural Economic Development and Diversification
   - Policy 28 - Housing Requirements
   - Policy 29 - Distribution of New Homes
   - Policy 30 - Housing Mix and Tenure

4.3 Rural North, Oundle and Thrapston Plan (RNOTP) (2011)
   - Policy 2 – Windfall Development in Settlements

4.4 Other Documents
   - Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
   - Northamptonshire County Council - Local Highway Authority Parking Standards (2016)
   - East Northamptonshire Council - Trees and Landscape Supplementary Planning Document (2013)

5 Relevant Planning History

5.1
   - 98/00696/FUL - Two agricultural storage bins – PERMITTED (24.11.1998)
   - 18/02364/LBC - Conversion of farm buildings to form 3 residential dwellings – Pending consideration.

6 Consultations and Representations

6.1 Neighbours

7 letters were received, 4 letters of objection and 3 general comments, points raised are summarised as follows:
   - Impact on bats;
   - Concerns about contamination on site;
   - Concerns about trees on site;
• Proposed new houses are contrary to local policies;
• The design and materials proposed for the two new house are not in keeping with the other buildings in the conservation area;
• Concerns about the noise;
• Proposed Unit 5 would overlook the Manor House;
• Access unsatisfactory;
• Privacy issues from Units 2 and 4;
• Concerns about noise during construction and construction traffic;
• Concerns about refuse vehicles blocking the road;
• Light pollution;
• Concerns how the asbestos will be removed;
• Development not in keeping with the character of the area.

6.2 Benefield Parish Council

*Initial comments received 15.01.19:* Benefield Parish Council have no objection to this application in principle however they would like the Senior Conservation Officer to look at the design and materials being used on the 2 new builds, along with investigating if this project falls outside of the conservation area and settlement lines of Lower Benefield.

There is also an issue with privacy from Number 5 (new build) and Manor House. The Parish Council would like to see the working hours reduced to 8 to 5 on weekdays and 9 to 1 on Saturdays so as not to disturb the neighbouring residents.

*Further comments received 10.09.19:* Objects for the following reasons:

1. In our opinion the materials proposed are not in keeping with the buildings in the close vicinity to the site. The proposed additional new builds, would harm the character and appearance of Rectory Farm house and existing farm building contrary to Policy 2 and Policy 8 of the North Northamptonshire Joint Core Strategy 2011 - 2031; which amongst other matters, seek to ensure that development proposals should complement their surrounding historic environment through form, scale, design and materials and that development should create distinctive local character by responding to the site's immediate and wider context and local character.

2. Number 5 will overlook a neighbouring property and nothing seems to have been put in place to screen this.

3. The proposed development by reasons of scale and location would detract from the linear built form of the village and would have a detrimental impact on the historic form, setting and character and appearance of the village and its surroundings.

6.3 Natural England

*Comments received 17.09.19:* No comments to make.

6.4 Northamptonshire Police – Crime Prevention Design Advisor

*Comments received 30.09.19:* When considering crime and disorder in relation to this application and appreciating the restraints of the heritage aspects Northamptonshire Police have no comment or objections to make.
6.5 Northamptonshire County Council – Local Highway Authority

Initial comments received 07.01.2019:

- The LHA seeks further information in relation to the previous agricultural use and the number of vehicle trips associated with the farm to make an informed recommendation.

- The LHA has concerns with regards to residential dwellings being served by a private drive onto a principal road which may add delay to the strategic road network - a dedicated right turn lane may be required.

- Please note this application represents a further intensification of a carriageway with no footway provision or links to public transport.

- I would like to refer you to the LHA Standing Advice June 2016, which sets out our standards and conditions. I would advise the applicant refer to particularly the following conditions:
  
  - Condition - Parking and Turning (Section 4.9)
  - Condition - Access Gradient (Section 4.11)
  - Condition - Drainage (Section 4.12)
  - Condition - Access Surfacing (Section 4.13)

- The LHA would need to see the junction visibility envelope to the North of 2m x 215m for an access adjoining close to the 60mph limit, to properly assess any safety implications. This visibility envelope to be secured either within the existing public highway or land under the control of the applicant. Please also note there shall be no walls or vegetation taller than 600mm contained within the visibility splay. If the 215m requirement cannot be achieved then a speed survey may be required to justify the available splay.

- Please provide access surface treatment information.

- The existing vehicle crossover shall be constructed in accordance with NCC Standard Details (for residential use).

- How will private surface water be intercepted from entering the highway and vice versa? Please provide appropriate drainage contained within private property.

Further comments received 05.09.19 (following the receipt of amended plans and dialogue with the LHA): I would like to confirm the following observations:

- The applicant will be required to provide evidence of a suitable drainage solution so as to avoid the runoff of private water onto the public highway.

- The LHA will require swept path analysis exercises of vehicles manoeuvring in and out of parking spaces. Especially of those regarding the spaces for plot 4 as the LHA queries whether the 6 metres required to exit a space is available when there are other vehicles parked. We also require swept path analysis exercises for the largest vehicle entering and exiting the site. The exercises must include both the wheel tracking and vehicle body overswing tracking paths.
• The applicant will also be required to provide evidence that the proposed parking spaces meet the Northamptonshire County Council Parking Standards. Residential spaces must be a minimum of 3 metres x 5.5 metres.

• The LHA would like to ask for confirmation on whether all agricultural access and associated movements will cease as a result of the proposals. As it is contrary to NCC policy to allow shared accesses between residential and agricultural developments.

6.6 Northamptonshire County Council – Ecology

Comments received 02.10.19: I was disappointed to note that the bat survey report did not include records from the Northamptonshire Biodiversity Records Centre (NBRC), only the National Biodiversity Network (NBN). This is not consistent with the requirements of the Biodiversity SPD and may in fact constitute a violation of NBN terms and conditions. As a result of not consulting the NBRC the report has failed to identify local designated sites and records of important species. In this specific case I am not going to push for a proper data search as I am not convinced it would materially alter the result. However the Biodiversity SPD does clearly state that local records must be sourced from the NBRC.

The bat surveys have determined that a protected species licence will be required for works to proceed. I would therefore recommend the following condition from BS42020 (adapted to reflect recent legislative changes):

The following works […] state the specific works or activity likely to cause harm to particular protected species… and as identified in plan/drawing/specification X […] shall not in any circumstances commence unless the local planning authority has been provided with either:

a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

The proposed works will require destruction of a number of bird nests. Works must therefore take place outside the bird nesting season. I would also recommend a condition for a scheme of nest boxes, both to compensate for lost nesting opportunities and provide new ones. Swallow nests in particular should be included: these will need to be sited appropriately, under deep eaves or roofs.

6.7 Northamptonshire County Council – Archaeology

Comments received 11.01.19: No objection

There is the potential for remains of archaeological interest to be present on the application site, albeit truncated by the farmyard development. The NPPF, in paragraphs 189 & 190, stresses the importance of pre application discussions in order to assess the significance of potential heritage assets. Normally, the assessment would take the form of a field evaluation prior to determination; however, in light of the probability of truncation, a condition for a programme of work is recommended.
Evidence for the development and use of the buildings will be altered, concealed or lost during conversion. The proposed development will have a detrimental impact on any archaeological remains present. This does not however represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected. In order to secure this please attach a condition for an archaeological programme of works as per NPPF paragraph 199 to any permission granted in respect of this application. A single condition can be used to cover both elements.

Condition:
No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF Paragraph 199.

6.8 East Northamptonshire Council – Environmental Protection (Contamination)

Comments received 07.01.19: No objection.

With any previously used land there is the possibility of contamination being present that may pose a risk to the proposed development. Having looked through the submitted information the possibility of contamination being present has not been addressed.

The investigation, risk assessment, agreement of remedial scheme, etc., are generally covered under pre-commencement planning conditions. Under planning legislation the applicant now requires notification of the intention to use pre-commencement conditions. It is a costly undertaking to carry out a contamination assessment, usually done in conjunction with a geo-technical assessment. It may be considered unreasonable to request this information in support of a planning application if the potential risk does not warrant it. Obviously this position would be different if the site was previously used for a process that would result in gross contamination being present, which may impact on the viability and layout of the site.

Therefore, I ask that the following pre-commencement conditions are sent to the applicant for consideration and agreement.

Planning Conditions for Potentially Contaminated Sites:

1. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

   a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.
b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

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

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

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

Reason: To ensure the proposed remediation plan is appropriate.

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

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

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

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

5. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

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

6.9 East Northamptonshire Council – Environmental Protection (Construction Management)

This application is for part demolition of more modern agricultural buildings and conversion of others to residential use. There are no obvious environmental issues, other than comments made about contamination under a separate email that may impact on the proposed development. However, to ensure the amenity of existing sensitive development during construction I ask that the following conditions are placed on the permission if granted.

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

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

**Dust mitigation**
During the demolition 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

**Aggregate processing**
No demolition products (concrete, bricks, soil, etc) shall be processed (crushed or sorted) on-site, unless otherwise agreed in writing with the Local Planning Authority.

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

Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

**Reason:** In the interests of residential amenity, highway safety and visual amenity.

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

**Reason:** To minimise the threat of pollution and disturbance to local amenity.

6.10 **East Northamptonshire Council – Senior Conservation Officer**

**Comments received 27.08.19:** No objection.

I am satisfied that the scheme proposed, on the basis of the amended site plan received on 22 August 2019, would not cause harm to the significance and settings of the listed buildings, and also the character and appearance of the Lower Benefield Conservation Area.

6.11 **East Northamptonshire Council – Waste Management**

**Initial comments received 04.01.19:** The positioning of the bin collection points shown on the Site Plan, drawing number 17/1000/30A (dated Nov 2018) is unacceptable. Please can these be re-sited to points immediately adjacent to the adopted highway.

**Further comments received 24.09.19:** Whilst the bin presentation point for plots 1-5 is large enough it needs to be moved to immediately adjacent to the adopted highway. Similarly the bin presentation point for the farmhouse should be immediately adjacent to the adopted highway as we would not go up a private driveway to collect from the point
shown.

I would also add that the hardstanding bin presentation points should not be fenced compounds as this can encourage them to become dumping areas.

7 Evaluation

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

Principle of Development

7.2 The site in question is a farm complex within the village of Lower Benefield. Agricultural land does not represent previously developed land however the majority of the site is within the conservation area, and there is built form to three sides of the site.

7.3 Development of the site would not only see the retention and re-use of listed buildings, it would also preserve the linear form of the village without encroaching beyond the conservation area into open countryside.

7.4 Existing modern barns beyond the conservation area boundary would be demolished as part of the proposals, thus making the built form more linear than is currently the case.

7.5 In the applicant’s Planning, Design and Access Statement it is stated that:

“The existing agricultural buildings situated at Rectory Farm are now redundant from any operational farm requirement as the new landowners are in a position to undertake the management of the land holding from existing farm units situated elsewhere in the locality.”

7.6 In this context the principle of development is considered to be acceptable subject to other material matters also being acceptable.

Design / Layout / Amenity

7.7 Plots 1-3 would utilise the existing listed barn buildings. There would be an extension for plot 1 and this would be in the location of one of the modern barns to be demolished, but plots 2 and 3 would utilise the buildings in their current form, with sympathetic adaptations / infill features to enable their conversion. The existing stone wall along Main Street would be unaffected by the proposals.

7.8 Plots 4 and 5 would be new build properties, in broadly the same locations as the modern barns which would be demolished. Both would be two storeys in height, with single storey elements and have been designed in a traditional style. They would be similar in appearance to one another.
7.9 The site layout has been the subject of extensive discussions with the applicant’s agent. The application as originally submitted proposed to serve all 5 dwellings from the A427 (Main Street) access point, but Officers considered this to be undesirable in that it would have resulted in an excessive amount of hardstanding, and would have meant that plot 5 was a significant distance from the public highway.

7.10 The revised layout now for consideration shows that plot 5 would utilise the existing access onto Main Street, whilst plots 1-4 would utilise the access from the A427. The farmhouse would continue to use its existing access from Main Street.

7.11 On the revised layout there is now significantly less hardstanding which allows for more amenity space to each property, and also for more practical access to the public highway for plot 5. As there is no footpath along the east boundary of the site (A427), there would be a footpath link through to Main Street for plots 1-4.

7.12 The council’s waste management team have expressed concern about the bin collection point for plots 1-4 not being immediately adjacent to the highway. This concern is noted but owing to the change in land levels at the entrance it would be neither practical nor desirable in design/appearance terms to move it the very short distance required to comply, so it has not been moved and is considered to be in the best position possible in the circumstances.

7.13 The layout provides for adequate amenity space for all five properties, which would all meet space standards as required by JCS Policy 30. In terms of housing mix there would be a mixture of 3, 4 and 5 bedroom homes which is consistent with the surrounding area.

7.14 Concerns have been raised about loss of amenity to the Manor House on Main Street, owing to the position of plot 5. There are no windows on the west facing elevation of plot 5 and it is considered that the relationship between these two properties would be an acceptable one, without the need for conditions to mitigate the impact.

7.15 Concerns have also been raised about privacy issues from plots 2 and 4. The interaction between these and other properties is considered to be acceptable. Plot 4 would have two bedroom windows looking south, but plot 2 has roof lights to a stairwell and 2 bathrooms on its upper floor which would result in an acceptable relationship.

Highway Safety / Parking

7.16 There has been extensive dialogue with the Local Highway Authority (LHA) regarding this application as it is known that they have an in-principle objection to agricultural and residential sharing the same access. The Main Street (A427) access point would serve plots 1-4, but would also provide access to the field to the north. The Main Street access points would only serve one property each.

7.17 The access from the A427 would only be shared for the first few metres back from the highway boundary as the field entrance would be to the immediate right (north). After this, the access would be purely residential. This is considered to be an acceptable arrangement by Officers.

7.18 With regard to parking, turning and manoeuvring, each property, including the existing farmhouse, would benefit from four parking spaces. With regard to the shared access for plots 1-4, there would be space for a fire tender to turn and leave safely in a forward gear and tracking drawings have been provided to demonstrate that the spaces for each property work in practical terms.
7.19 In terms of preventing private water run-off onto the public highway, these details can be secured through a planning condition.

**Ecology**

7.20 There has been no objection to the application from Natural England, whilst the County Council's ecologist has requested conditions relating to a protected species license and replacement bird nesting facilities, together with an informative to warn the applicant about works taking place outside of the bird nesting season.

7.21 These are reasonable requests and the relevant condition – which is pre-commencement – and informative will be included if permission is granted.

**Archaeology**

7.22 The County Archaeologist comments that there is the potential for remains of archaeological interest to be present on the application site, albeit truncated by the farmyard development and requests a pre-commencement condition for an archaeological programme of works, in accordance with NPPF Paragraph 199. This is a reasonable request and a condition will be included if permission is granted.

**Impact on Listed Buildings / Conservation Area**

7.23 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act 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.

7.24 This application proposes alterations and an extension to the set of listed farm buildings. Revisions to the elevations of Plots 1, 4 and 5 have been reached in consultation with the Senior Conservation Officer, with whom there has been extensive internal dialogue, and who has raised no objection to the application in its current form. The proposals are considered to be sensitive to the listed buildings and would ensure their longevity. They would also cause no harm to the setting of the neighbouring listed farmhouse or wider conservation area.

**Impact on Trees / Landscaping**

7.25 The application does not propose the removal of substantial trees on the site. Those to the east boundary with the A427 are proposed to be trimmed to ensure adequate visibility.

7.26 The application poses an opportunity to enhance the landscape setting of the site as it is currently dominated by hardstanding and large agricultural structures. Conditions can be imposed to require full landscape details as well as tree protection measures for those trees along the east boundary of the site.

**Sustainability**

7.27 JCS Policy 9 requires development to incorporate measures to ensure high standards of resource and energy efficiency, together with reductions in carbon emissions. All residential developments should incorporate measures to limit use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day, or an
alternative national standard in areas of water stress.

7.28 The application site is in the rural area and not in close proximity to a range of services although the X4 bus service is frequent along the A427 – connecting Lower Benefield to larger settlements such as Corby, Oundle and Peterborough which have a range of services.

7.29 Given the rural location and greater likelihood of dependency on the private car, it is important that the development accords with this policy (JCS 9) to ensure that it is as sustainable as possible. Accordingly a condition can be imposed to require the provision of:
- Measures to limit water use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day;
- Minimum standards for gas fired boilers; and
- Electric vehicle charging points.

8 Other Matters

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

8.2 **Contamination / Construction Management**: Environmental Protection have recommended a range of conditions to mitigate these impacts, which will be included if permission is to be granted.

8.3 **Asbestos**: Concerns have been raised about the removal of asbestos from the existing buildings. This is a legitimate concern but is covered by other legislation. The responsibility will lie with the developer to ensure that any asbestos is removed safely.

8.4 **Light Pollution**: The change from agricultural to residential is likely to result in some additional light pollution associated with the illumination of buildings, spaces between buildings and vehicles. The impact is not considered to be severe and would largely replicate light patterns from the surrounding existing residential properties.

8.5 **Health Impact Assessment**: No significant health or wellbeing issues are considered to be raised, having regard to the nature and scale of the development.

9 Conclusion

9.1 The existing farm complex is no longer in use and whilst it does not represent previously developed land by the definition in the NPPF, redevelopment of the site in the form proposed would secure the future of the listed buildings within the site, would ensure that the linear form of the village is retained / improved, and would be acceptable in other respects such as highway safety and residential amenity.

9.2 Conditions can be imposed to secure appropriate materials, drainage details and to ensure that matters of construction management, ecology, archaeology and contamination are appropriately mitigated.

10 Recommendation

10.1 That planning permission be GRANTED subject to the following conditions.
11 Conditions

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

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

2 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded, in accordance with NPPF Paragraph 199.

3 Building works relating to the roof or interior of the farm buildings as identified on the approved plans listed in condition 22 shall not in any circumstances commence unless the local planning authority has been provided with either:

a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or

b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or

c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

**Reason:** To mitigate the impact of the development upon protected species.

4 Before development commences, an arboricultural method statement shall be submitted to and approved in writing by the local planning authority. This should include, but not be limited to identification of trees to be retained/felled, details of tree protection, and construction methods. Development shall only take place in accordance with the approved details.

**Reason:** In the interests of biodiversity, visual amenity and to ensure that protected trees are not harmed during the construction phase of development.

5 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 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays.

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

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

**Reason:** To minimise the threat of pollution and disturbance to local amenity.
7 No demolition products (concrete, bricks, soil, etc) shall be processed (crushed or sorted) on-site, unless otherwise agreed in writing with the Local Planning Authority.

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

8 Precautions shall be taken to prevent the deposit of mud and other debris on adjacent roads by vehicles travelling to and from the construction site. Any mud refuse etc. deposited on the road as a result of the development must be removed immediately by the operator/contractor.

**Reason:** In the interests of residential amenity, highway safety and visual amenity.

9 During the demolition 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.

10 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a ‘conceptual model’ of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

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

**Reason:** To ensure potential risks arising from previous site uses have been fully assessed.
11 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.

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

**Reason:** To ensure the proposed remediation plan is appropriate.

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

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

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

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

14 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

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

15 Prior to commencement of building construction, full details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development and adjoining sites have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out and retained in accordance with the approved details.

**Reason:** To ensure that the precise height of the development can be considered in relation to adjoining dwellings.

16 Prior to the commencement of development above slab level, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
(b) details of any existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, any crossing points and steps; and

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(d) details of boundary treatments

The agreed boundary treatments shall be in situ before each respective property is occupied and all planting shall take place no later than the first planting season following first occupation of the building(s) or on the completion of the development, whichever is the sooner.

Within the first 5 years any species which die, become damaged, diseased or are removed shall be replaced in the current/next planting season with others of similar size and species unless written consent is obtained from the Local Planning Authority to any variation.

Reason: In the interests of the visual amenity, residential amenity and crime prevention.

17 Before commencement of development above slab level, details and samples of the external roofing and facing materials (including all windows, doors, roof lights and joinery details) to be used in construction of the dwellings / alterations shall have been provided on site and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To achieve a satisfactory appearance for the development and to preserve the character and setting of the conservation area and listed buildings.

18 A scheme for the provision of new bird nesting boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the property / properties to which the new facilities relate.

Reason: To compensate for the loss of existing bird nesting facilities and in the interests of promoting biodiversity.

19 No occupation of dwellings shall take place until details have been submitted to and approved in writing which demonstrate the following sustainability measures for the new buildings:

- Electric vehicle charging points
- Measures to limit water use to no more than 105 litres / person / day and external water use of no more than 5 litres / person / day
- Minimum standards for gas fired boilers

Development shall only take place in accordance with the approved details and all measures shall be available for use upon first occupation of each respective property.

Reason: In the interests of sustainability.

20 Prior to first occupation of plots 1, 2, 3 or 4, the shared site access and parking and turning facilities for the first dwelling shall be constructed in accordance with the approved plans. Prior to first occupation of plot 5, the parking and turning facilities shall be constructed in accordance with the approved plans. All parking and turning areas shall be retained for these purposes in perpetuity and measures shall be installed to ensure that surface water shall not drain onto the public highway.
Reason: In the interests of residential amenity and highway safety.

21 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order):

- The areas to the north of plots 4 and 5 annotated as 'excluded from domestic curtilage' on approved plan 17/1000/30/F shall not be enclosed or subdivided and shall only be used for agricultural purposes;
- No extensions or alterations to the roofs of the properties are permitted without the approval of the Local Planning Authority; and
- No outbuildings to plots 3, 4 and 5 are permitted without the approval of the Local Planning Authority.

Reason: For the avoidance of doubt, to preserve the character of the conservation area, to clarify the extent of domestic curtilage, in the interests of visual amenity and to avoid encroachment of domestic curtilage into open countryside, which would be contrary to policy, and could affect the setting of the conservation area.

22 The development hereby permitted shall be carried out strictly in accordance with the following plans:

General Drawings
- KW/4107 – Site Location Plan
- 17/1000/30/F – Site Plan
- 17050-TOPO (1 of 2) – Topographical Survey
- 17050-TOPO (2 of 2) – Topographical Survey
- 17050-MBS – Measured Building Survey – Floor Plans – Buildings 7 to 10 & Manor Farmhouse
- 17/1000/53 – Street scene to A427 – as Existing
- 17/1000/54 – Street scene to A427 – as Proposed

House Type Drawings
- 17/1000/32 Rev B – Unit 1 – Elevations & Sections (1 of 3)
- 17/1000/33 Rev B – Unit 1 – Elevations & Sections (2 of 3)
- 17/1000/34 Rev B – Unit 1 – Elevations & Sections (3 of 3)
- 17/1000/35 – Unit 2 – Floor Plans
- 17/1000/36 Rev A – Unit 2 – Elevations & Sections (1 of 2)
- 17/1000/37 Rev A – Unit 2 – Elevations & Sections (2 of 2)
- 17/1000/38A – Unit 3 – Floor Plans
- 17/1000/39A Rev A – Unit 3 Elevations & Sections (1 of 2)
- 17/1000/40A Rev A – Unit 3 Elevations & Sections (2 of 2)
- 17/1000/47B - Unit 4 – Floor Plans
- 17/1000/48B - Unit 4 – Elevations (1 of 2)
- 17/1000/49B - Unit 4 – Elevations (2 of 2)
- 17/1000/50B - Unit 5 – Floor Plans
- 17/1000/51B - Unit 5 – Elevations (1 of 2)
- 17/1000/52B - Unit 5 – Elevations (2 of 2)
Tracking Drawings
- T101 Rev A – Vehicle Tracking 1
- T102 Rev A – Vehicle Tracking 2
- T103 Rev A – Vehicle Tracking 3
- T104 Rev A – Vehicle Tracking Fire Tender
- T105 – Vehicle Tracking 5
- T106 – Vehicle Tracking 6
- T107 – Vehicle Tracking 7

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

12 Informatives

1 All works relating to bird nests must take place outside the bird nesting season.

2 Pre-commencement conditions

The details relating to conditions 2, 4 and 10 are required prior to the commencement of development because they are critical to the material considerations of the scheme. The construction of this development could have a severe and detrimental impact upon contamination, biodiversity and archaeology without these details being first approved. These conditions have been agreed with the applicant’s agent.
Oak Cottage, High Street, Duddington
This application is reported to the Planning Management Committee because it falls outside the Scheme of Delegation in Part 3.2 of the Council’s Constitution 2019 as an objection has been received from the Parish Council. Contact has been attempted with the ward member, in accordance with section 1(b) 5 of the Scheme of Delegation, to see whether they agree that a delegated decision could be made, however, no response has been received.

1  Summary of Recommendation

1.1 That Planning Permission be GRANTED subject to conditions.

2  The Proposal

2.1 The application seeks planning permission for alterations comprising the replacement of an imitation Collyweston tile roof covering with natural blue slate over a lean-to extension. The proposal relates to one roof slope of the extension in question (the road-facing aspect of the roof has been recovered in imitation Collyweston tiles). The development has been carried out and therefore the application is retrospective.

3  The Site and Surroundings

3.1 The application site is located to the east of High Street and comprises a two-storey cottage that is arranged over a T-shape plan. The building is constructed of coursed limestone under a thatch roof. The main part of the property is set back from the road behind a double garage and a gravelled forecourt.

3.2 The site is located within the designated Duddington Conservation Area, adjacent to listed buildings (Braddan House to the north and Dial House to the west). The application property is not included on the statutory list of buildings.

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 - Place Shaping Principles

4.3 **Rural North, Oundle and Thrapston Plan (RNOTP) (2011)**
None applicable.

5 **Relevant Planning History**
5.1 There are no relevant applications.

6 **Consultations and Representations**
6.1 **Duddington-with-Fineshade Parish Council**

*Comments received on 17.09.2019: Object for the following reasons:*

(i) The works that have been carried out are in conflict with the Village Design Statement, approved by ENC, and which requires the use of artificial Collyweston tiles on all areas of the roof not visible from the highway, i.e. the rear of the property.

(ii) The use of blue slate is not appropriate on any aspect of the roof of this property as it is not compatible with the rest of the building’s construction. Although this area of the roof is not visible from the highway it is very visible from neighbouring properties.

(iii) Reference to roofing requirements are contained in the CPRE document "Northamptonshire Countryside Design Guide" where it states that roofing materials "should be carefully selected to ensure that the character of the area is not compromised by the use of inappropriate materials."

(iv) The use of a retrospective application instead of going through the appropriate procedures is not acceptable.

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:

- The effect on the character and appearance of the Duddington Conservation Area;
- the effect on the setting of listed buildings;
- the effect on residential amenity; and
- the effect on highway safety and parking.

**Heritage**

7.2 The development proposed involves the re-roofing of an existing single-storey extension that was built in the 1980s. The extension is located to the side of the property, set back from the road around 25 metres. The front-facing/hip element of the extension has been
recovered in imitation Collyweston tiles (on a like-for-like basis), while the north-facing slope has been covered in blue slate.

7.3 A site visit has revealed that the north-facing roof slope is not visible from the road and that views from the adjacent neighbouring property (Braddan House) are screened by a stone boundary wall that is some six feet in height. Dial House is located over 30 metres to the west of the extension in question and while there may be some visibility from bedroom windows at first floor or attic levels it is not considered that there would be any issues.

7.4 While it is accepted that natural Collyweston stone slate is a key component of the Duddington Conservation Area and the special character of listed buildings within the village, it is acknowledged that the roof in question is not at all prominent from anywhere but the application site itself. As such, it is somewhat difficult to find that harm is caused to the character and appearance of the Duddington Conservation Area or the setting/significance of the adjacent grade II listed building, namely Braddan House. In any case, it is noted that blue slate is a traditional material that is prevalent in the wider area.

7.5 Consideration has been given to the impact of the development on the setting of listed buildings and the designated Duddington Conservation Area, having regard to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

7.6 The proposal does not raise any issues with regard to residential amenity.

Highway Safety and Parking

7.7 The proposal does not raise any issues with regard to highway safety or parking.

Response to the Parish Council’s Representation

7.8 Comments submitted by the Parish Council are dealt with in turn.

7.9 The case officer has found no evidence of ENC adopting the Village Design Statement referred to. A draft version of the document was submitted to ENC’s Planning Policy Team for comment in 2016, but it appears that it was not progressed further as the parish council applied to have a neighbourhood area designated (as the first stage of progressing a neighbourhood plan). This has been confirmed by the Planning Policy Team, which has recently liaised with the parish council on this matter. Accordingly, the Village Design Statement document referred to does not have any weight in the planning process.

7.10 Blue slate is a traditional material that has been used throughout the wider area for over 150 years. In any case, it is questionable as to whether the roof is at all visible from neighbouring properties.

7.11 The case officer agrees with the general approach of the CPRE Design Guide referred to. The roof in question is not considered incompatible with the advice espoused.

7.12 The retrospective nature of the application is not a reason for refusing permission.
8 Other Matters

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

8.2 Health Impact Assessment: No significant health or wellbeing issues identified.

9 Conclusion / Planning Balance

9.1 It is considered that the development proposed is acceptable.

10 Recommendation

10.1 That Planning Permission be GRANTED subject to conditions.

11 Conditions

1 The development hereby permitted shall be carried out strictly in accordance with drawing no. 0930-PO1: Location and Block Plans, as received by the Local Planning Authority on 23 August 2019.

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