This application is reported to the Planning Management Committee as it is major development. The application is accompanied by an Environmental Statement (ES) as it represents Environmental Impact Assessment (EIA) development.

1 Summary of Recommendation

1.1 That authority be delegated to the Head of Planning Services to GRANT planning permission subject to the satisfactory resolution of ecological / SPA concerns, including the precise wording of additional conditions recommended by the Council's independent ecologist, and subject to conditions.

2 The Proposal

2.1 This application is an amended scheme relating to planning permission 18/00004/FUL and seeks permission for the construction of a new link road between Ditchford Road and the Rushden Lakes development. There would be associated footpaths / crossings / junctions / lighting etc along the route and there would also be a requirement for alterations to Ditchford Road as well as off-site works to the A45 east slip road, which falls outside of East Northamptonshire’s district.

2.2 The application site is larger than that of the previously approved link road as it also includes land intended for the temporary storage of excavated material for a period of up to five years.

2.3 The application is accompanied by an Environmental Statement (ES) which contains a multitude of chapters relating to the various impacts and material considerations, together with a non-technical summary.

2.4 There would be some overlap between the site and the layout at the west of Rushden Lakes, where car parking and servicing arrangements would be altered / separated / improved. A further improvement upon the previous permission (18/00004/FUL) is that this application also proposes a pedestrian link to the neighbouring filling station / hotel site to the south.
2.5 The proposal would result in the loss of agricultural land, but much of the site already benefits from planning permission under the original scheme (18/00004/FUL), or under the 'Rushden Living' mixed use proposal (19/01092/FUL).

3 The Site and Surroundings

3.1 The Site is located on land between Ditchford Road and Rushden Lakes, close to the A45 on the north-western edge of Rushden. The site is 9.66 hectares which is substantially larger than the previously approved scheme (3.89 ha) but the increase in size is associated with a large area of land to the south of the proposed road, which would be used for the temporary storage of excavated material associated with the development for a period of up to five years.

3.2 The site is bounded to the east by the existing Rushden Lakes development; to the west by Ditchford Road; 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).

4 Policy Considerations

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

4.2 North Northamptonshire Joint Core Strategy (JCS) (2018)
   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 15 – Well-Connected Towns, Villages and Neighbourhoods

4.3 Rushden Neighbourhood Plan (Made Version) (2018)
   Policy EN1 – Design in Development
   Policy EN2 – Landscaping in Development
   Policy EN3 – Rushden’s Greenways
   Policy T1 – Development Generating a Traffic Impact

4.4 Supplementary Planning Guidance / Documents (SPG/SPD):
   Trees and Landscape SPD, 2013
   Biodiversity SPD for Northamptonshire, 2016
   Upper Nene Valley Gravel Pits Special Protection Area SPD, 2016
   Planning Out Crime in Northamptonshire (SPG), 2003

4.5 Other Policies / Guidance
   Northamptonshire County Council Highways Parking Standards, 2016
   East Northamptonshire Council Tree Management Guidance and Principles, 2018
   Emerging East Northamptonshire Local Plan Part 2
5 Relevant Planning History

5.1 There have been multiple applications and permissions at the Rushden Lakes site, some of which partially overlap this site. Only the most relevant permissions are shown below.

Original Link Road Permission

5.2 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.

"Rushden Living" Permission

5.3 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) – PERMITTED 16.9.20.

Rushden Lakes Permissions

5.4 16/01662/FUL – Erection of a leisure building to include a 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 – PERMITTED 11.9.17.

5.5 17/02559/FUL – Erection of retail and restaurant units together with proposals for access, parking and servicing, hard and soft landscaping and other associated works – PERMITTED 17.5.18.

A45 / Ditchford Lane Permission

5.6 Works are already proposed to the A45/A5001 Ditchford Lane interchange as part of the Stanton Cross development at Wellingborough. Part of these works fall within East Northamptonshire's district and have been assessed under the following application:

5.7 17/01072/FUL - Update of the existing A45(T) Ditchford Road interchange including new slip roads, widening works and replacement of existing roundabouts with signal controlled junctions (as previously granted under planning permission 12/01733/RWL) – PERMITTED 14.12.17.

6 Consultations and Representations

6.1 Where more than one response has been received, the most recent is shown first. Responses may be summarised.
6.2 Local Community

No representations received.

6.3 Rushden Town Council

*Comments received 24.6.20*: NO OBJECTION

Rushden Town Council do not have any objections to the amended proposed link road.

However, we would like to comment that whilst we are pleased to see that provision has been made for a pedestrian/cycle route, there are currently two options for linking to the existing Greenway to enable travel onto Wellingborough and we would like to see these included within the draft plans. We also note the comments made by Irthlingborough Town Council regarding pedestrian access and would endorse their proposals for enhanced access.

6.4 Irthlingborough Town Council

*Comments received 11.6.20*: NO OBJECTION

Irthlingborough Town Council's Planning Committee have considered Planning Application 20/00534/FUL and wish to return the following response:-

- No Objection

6.5 Higham Ferrers Town Council

*Comments received 29.1.20*: RAISE CONCERNS

The Town Council objected to the previous application 18/00004/FUL. The Stanton Cross highway improvements with slip roads to the A45 are now noted. However, the Council concern regarding traffic backing up onto the A45 from an increase in traffic on the slip road leading to the Ditchford Lane junction remains. Consideration needs to be given to widening the slip road off the A45 leading to the Ditchford roundabout. At busy times traffic already backs up on the A45 to access this slip road and it would therefore be beneficial to have two lanes to accommodate the predicted increase in traffic.

6.6 Borough Council of Wellingborough

*Comments received 9.7.20*: NO OBJECTION TO ROAD / CONCERNS OVER STORAGE OF MATERIAL

No objection for the proposed road itself. BCW has previously expressed concerns about the Rushden Living application and the effect of this proposed development on businesses in Wellingborough. There is concern about the storage of excavated soil and materials associated with the construction of the link road on site for a temporary period of five years and subsequent use to form a platform in the Rushden Living site. The council does not support the Rushden Living application.
6.7 Irchester Parish Council (IPC)

Comments received 26.5.20: NO OBJECTIONS / CHANGES REQUESTED

I have been asked by Irchester Parish Council to write to say they do not have any major objections to the revised proposed link road and welcome it as it will elevate traffic congestion. (Officer comment: it is assumed that IPC mean ‘alleviate’ rather than ‘elevate’)

They are also pleased to see that the link road will have a pathway/cycleway access from Ditchford Lane. We hope that this pathway/cycleway will enable a great linkage to the wider area going forward.

Whilst the Parish Council realise that in due course this new entrance will be tied in with a new slip road to the A45 as part of the development with Wellingborough Stanton Cross, they do have current concerns about pedestrian/cycleway access until this happens.

Currently there is a footpath that runs from Irchester along the High Street to the A45, you can cross the A45 and walk along the footpath on the east bound carriageway to the A45 Ditchford Slip Road where the footpath crosses the slip road and then you can walk into Rushden. At this point the bridleway from Knuston also meets.

As part of the application for the new link road the Parish Council would ask that a pedestrian island/crossing could be included to allow pedestrians to actually cross the Ditchford Lane from the A45 Ditchford Slip Road to access the new link road to Rushden Lakes. Without this provision pedestrians will find it very difficult to actually cross the busy Ditchford Lane.

Officer comment: There are two proposed crossing points on Ditchford Lane with central refuges which are at the A45 interchange (north roundabout) and at the proposed link road entrance.

6.8 Highways England

Comments received 3.6.20 (Summary): NO OBJECTION / CONDITION

Referring to the planning application referenced above, consultation dated 19 May 2020, Revised scheme to construct a new link road between Ditchford Road and Rushden Lakes (with associated Site clearance and earthworks) alongside junction works, car parking, footpaths, cycleways, lighting, drainage works, hard and soft landscaping and associated works. Reconfiguration of existing car parking and Service Yard areas and the temporary storage of excavated material for a period of up to five years at Land West of Rushden Lakes Ditchford Lane Rushden Northamptonshire, notice is hereby given that Highways England’s formal recommendation is that we:

recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);
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 opening of the proposed Ditchford Lane Link Road, unless otherwise agreed with the Local Planning Authority in consultation with Highways England.

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.

Condition 2:
Prior to the construction of the proposed link road 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 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 David Steventon to discuss these matters on david.steventon@highwaysengland.co.uk.

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 Area7networkoccupancy@highwaysengland.co.uk.

6.9 The Ramblers Association – Northamptonshire Area
No representations received.

6.10 Northamptonshire Police – Crime Prevention Design Advisor
Further comments received 23.7.20 and 24.7.20 (Summary: Following dialogue about a pedestrian link to the neighbouring petrol station / hotel site): CONCERNS RAISED / FURTHER INFO REQUESTED
I am happy to accept the location as detailed by the applicant. Yes all my comments (shown below) will still apply.

Looking at the info. forwarded I comment as follows:

- I agree the Travelodge/PFS site must have a pedestrian access, wherever located it will need a form of motor cycle barrier.
- The footpath must also be covered by a CCTV system, preferably that managed and maintained by Rushden lakes.
- My only concern with the location you suggest in yellow are, you will be making pedestrians go further into an area where vehicular movements will be greater putting their safety at risk.
- The access needs to be well sign posted and kept visually open for good surveillance opportunities hopefully the area will benefit from good light spillage during darker periods as the fear of crime will prevent persons from using it.
- It needs to be well maintained and well designed as a planned route, not just like an afterthought footpath, to make it permanently safe and secure as I can see visitors staying overnight at the Travelodge after using the leisure facilities.

Can I take this opportunity to say that I notice on the plans attached with your enquiry that I still don’t see any access barrier at the Ditchford Road end for out of hours use as previously recommended on all the various applications. Northamptonshire police have serious concerns re potential unauthorised use and anti-social behaviour down this route. Can you please inform us what Rushden Lakes are implementing to prevent such incidents without having to rely on police attendance.

Initial comments received 3.6.20: CONCERNS RAISED / FURTHER INFO REQUESTED

Northamptonshire Police fully support this application in principle to help relieve congestion on the A45 but would like to bring to the attention of the planning authority certain observations and strongly suggests that are concerns are considered before any decision is arrived. Until these concerns are agreed Northamptonshire Police do not recommend this application be approved as proposed. National and local policy and Section 17 of the crime and disorder act 1998 should ensure designing out crime and anti-social behaviour is a material planning consideration. The implementation of minimum measures could still help match the crime prevention measures to the actual, as well as the perceived crime risk. I make the following recommendations/observations which need to be addressed:

- Lighting – The lighting scheme submitted is acceptable in terms of lux levels and uniformity. Dependant on the agreed pedestrian/vehicular access control policy the lighting scheme to the road and car park could be dimmed as I believe currently it is planned to remain fully on by means of a photo electric cell and time switch. This reduction in light will help deter its use after normal opening hours.
• Access control to the private road from Ditchford Road – Access to all traffic should be prevented during out of hours periods. This will prevent access of those with criminal intent within the retail/leisure area, prevent the road being used for anti-social acts/gatherings, unauthorised encampments and HGV parking with all the associated road/verge damage rubbish and human waste. These concerns were also expressed by Northamptonshire Highways on previous application responses. There is no detail of such access control measures on the DAS, submitted layouts or detailed drawings but agreement seems to have been made within the Environmental Statement: Volume 3 Appendix 2.1 ‘A barrier will be provided within the Proposed Development and the original Link Road at the entry to the Link Road from Ditchford Road to control access outside of operating hours. It will be operated in tandem to the existing barriers at the eastern end of Rushden Lakes to avoid vehicles entering and then being trapped between the barriers. The barriers will also prevent HGV delivery vehicles parking up overnight on the Link Road’. A detailed scheme must be submitted and agreed.

• 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. This should include coverage of the proposed car parking areas and access via the link road and pedestrian link to the service area on the A45.

• 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.

6.11 Natural England

Comments received 18.6.20 (Summary): OBJECTION

Natural England objects to the revised Ditchford road scheme application (consultations 20/00534/FUL & WP/20/00291/EXT) because in our view it is not compliant with the Habitats Regulations.

• The Habitat Regulations Assessment (HRA) (and ES) does not identify or explore what we consider to be the key environmental constraints associated with developing this site.

• An Appropriate Assessment is required to explore whether there is an adverse effect of the integrity of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar, via numerous impact pathways, however it is not supplied.

• The in-combination effects of development west of Rushden Lakes will need to be a key consideration of the HRA.

• The assessment for Functionally Linked Land is not adequate or complete.

• The in-combination assessment is vague and inadequate.

• The additional wintering bird survey effort (in addition to the previous surveys for previous road applications) is poor.

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- There is no information about how the enhanced pedestrian and cycle access routes will feed into existing Public Rights of Way, or impact the SPA via recreational pressure which is an existing key problem within the adjacent SPA.

- We require information on how discharging surface water to the wet flush located within Ditchford Lakes and Meadows Local Wildlife Site (and feeding into the SPA) is appropriate.

- It is unclear how the schemes’ lighting proposals, which have been identified as a Likely Significant Effect, will be addressed in terms of the Habitats Regulations.

**Officer Comment:** The Council is seeking independent advice in relation to this objection and will provide a further update to the Committee.

6.12 Commission for Dark Skies (CFDS)

*Comments received 8.6.20: NO OBJECTION*

Thank you for requesting Commission for Dark Skies’ comments on this revised scheme.

Our comments are based upon the attached Appendix 14.2 Lighting Design Strategy and accompanying drawing.

CFDS agrees that the area is classified as Environmental Zone E2, we also welcome the reduced height of the lighting columns from 10 metres to 8 metres.

The proposed design of light will not, we feel, produce undue glare or energy waste from light pollution and the proposed 3000 Kelvin light output of the LEDs will reduce the blue rich element of the lighting which is increasingly understood to effect nighttime ecology. This is welcome.

As a result, we consider this scheme will meet NPPF Policy 180c and NNJPU JCS Policy 4iii.

6.13 Environment Agency

*Comments received 3.6.20: NO OBJECTION*

We have no objection to the application. The flood risk assessment (FRA) demonstrates that the sequential approach to development has been applied and all built development has been located in Flood Zone 1. The application explains that the area of floodplain is included in the red line boundary of the application is to allow a surface water connection and discharge point into the non-main river.

6.14 National Grid

No representations received.
6.15 Cadent Gas

Comments received 22.5.20: NO OBJECTION

Looking at the above planning application, we are aware of this project from quite a while ago, we would not object but we would be most grateful if you would raise an informative with the applicant

We hold a legal easement for the HP gas pipeline and no development may take place in the easement without Cadent written permission

No development or work may take place until Cadent have been consulted and liaised with as there may be plant protection measures that are necessary to protect the integrity of the HP gas pipeline

6.16 North Northamptonshire Joint Planning and Delivery Unit (JPDU)

No representations received.

6.17 Wildlife Trusts

Comments received 25.6.20: FURTHER INFO REQUESTED

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 Site of Special Scientific Interest (SSSI), Local Wildlife Sites and linked habitats. It is, therefore, important that any planning application is particularly careful to assess the potential effects of the proposal, avoids harmful impacts and provides a net gain in biodiversity. This application extends the red line boundary to enable the storage of soil beyond the boundary of the already permitted link road (18/0004/FUL) for future use.

Although this application is for a new link road, it is also vital that the wider aspirations for the area are considered to ensure that the current proposal does not prejudice wider considerations. We continue to engage with the applicants and their ecologists concerning the future of the broader site. The sensitive ecology of the adjacent nature reserve and SPA result in significant challenges remaining. To overcome (if possible) the threats to these nationally and internationally important sites may require fresh thinking. For example, part of the discussion concerning the Rushden Living proposal includes the management of visitors to Ditchford Lakes nature reserve. This application includes a footpath alongside the series of pools which forms part of the drainage system for the western section of the link road towards Ditchford Lakes. Whilst this was also included in the previous application it may, or may not, be appropriate to include this path in future access plans for the reserve. Another key consideration is the impact of the proposals (both the road and other linked applications) on the hydrology of the nature reserve. This requires further detailed study, modelling of potential impacts and ongoing monitoring to prevent deterioration to the site.
6.18 **North Northamptonshire Badger Group**

*Comments received 5.1.21 NO OBJECTION / CONDITION*

No objection on the basis that a pre-construction badger activity survey is provided via condition, and that there will be a statutory 30 metre and a 60 metre buffer.

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

*Final comments received 27.10.20: NO OBJECTION / CONDITIONS*

Thank you for consulting us on the above application. On review we have no comment to make and our response dated 1/6/2020 remains current, however we would wish to make an amendment to our proposed conditions which we have attached *(changes incorporated in the conditions shown below)*. The amendment is to the verification condition.

*Initial comments received 1.6.20: NO OBJECTION / CONDITIONS*

Having reviewed the applicant’s submitted information located within,

1) Flood Risk Assessment ref 12348 rev F1 dated 18th March 2020 prepared by Campbell Reith we would 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**

Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment ref 12348 rev FI dated 18th March 2020 prepared by Campbell Reith, 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 the control chambers (including site specific levels mAOD) and manufacturers’ hydraulic curves should be submitted for all hydrobrakes and other flow control devices.

**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 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 to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
- Details of expected design life of all assets with a schedule of when replacement assets may be required

**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 and to ensure the future maintenance of drainage systems associated with the development.

**Condition**

Prior to public use a Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment ref 12348 rev F1 dated 18th March 2020 prepared by Campbell Reith, 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) CCTV 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.
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.

6.20 Northamptonshire County Council – Ecology

Final comments received 26.10.20: NO OBJECTION

I'm writing in response to your consultation on amended details for the above application for the Ditchford Link Road. I note from the new soft landscaping plans that my recommendations have been incorporated.

As the application site impinges on the Wildlife Trust's Ditchford Lakes reserve I would want them to have agreed to any amendments which could have implications for their site. Should their comments conflict with my own in any respect I would defer to their local knowledge. I don't expect that this will occur but if it does please do get in touch.

Comments received 20.7.18: CHANGES REQUESTED

Having reviewed the ecological and landscaping documents submitted I have the following observations and recommendations:

- The proposed Construction Environmental Management Plan (CEMP; Appendix 4.1) appears to include the information outlined in BS42020:2013. Therefore provided no changes are needed for other reasons I think this could be conditioned 'as already agreed with the local planning authority'.

- The proposed Landscape Ecological Management Plan (LEMP; Appendix 6.2) similarly appears to include information outlined in BS42020. However some of the mixes and species proposed in the landscaping plans are not ecologically suited to this part of the county; the LEMP would therefore need amendments to reflect any changes and could not be conditioned at this stage.

- To make the landscaping more reflective of the local ecology I would recommend the following changes:
  - **Swale embankments**: EM3 is not a great mix for this area, however EM2 would be suitable
  - **Swale base**: EM8 is also not appropriate here; instead British Seed Houses' RE3 or Phoenix Amenity WFG9 would be fine.
  - **Marginal and aquatic**: Carex paniculata is not naturally found in this part of the county, and marsh cinquefoil Comarum palustre (identified as Potentilla palustris on the drawings) is extinct in Northamptonshire so I would rather not see them used on this site.
As the application site impinges on the Wildlife Trust’s Ditchford Lakes reserve I would want them to have agreed to the proposals described in the application. I have not discussed this application with the Trust, however should their comments conflict with my own in any respect I would defer to their local knowledge. I don’t expect this will occur but if it does please do get in touch.

6.21 Northamptonshire County Council – Local Highway Authority (LHA)

Final comments received 28.10.20: NO OBJECTION / INFORMATIVE

Please note that the S278 access works had technical approval in September 2019. If any changes are proposed to the approved plans, the developer will need to submit the revised plans for approval, clearly identifying any changes.

Further comments received 23.6.20: LAYOUT CHANGE REQUESTED

The LHA is content with the supplied information but has concerns regarding the shared cycle/pedestrian link to the southern side of Ditchford lane, it seems a layby bottle necks the pathway, could this please be revised to ensure that the 3m width is continuous.

Initial comments received 29.5.20: FURTHER INFO REQUESTED

The LHA has no in principle objection to this application if the applicant can provide the following details:

- The LHA requires tracking of the tear drop turning area to demonstrate that buses are able to negotiate this area safely.

- The LHA notes that the link road junction with Ditchford road is being changed with an additional lane southbound into Rushden Lakes, this will improve capacity, however we require the capacity to be modelled to demonstrate this along with tracking of an HGV at this junction.

6.22 Northamptonshire Fire and Rescue

Comments received 20.5.20: NO OBJECTION

Thank you and we have no representations re this application.

6.23 Northamptonshire County Council – Minerals and Waste

No representations received.

6.24 Northamptonshire County Council – Archaeology

Comments received 3.6.20 (Summary): NO OBJECTION / CONDITION

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.
In the intervening period since the approval of the 18/00004/FUL application with archaeological condition 8 the wording of our conditions has changed to reflect the imminent opening of our new archives store. This new wording allows a phased discharge to the condition. Our new 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 post-exavcation analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Planning Authority, completion 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.

6.25 East Northamptonshire Council – Environmental Protection Officer (Contamination)

Final comments received 17.6.20: NO OBJECTION / CONDITION REQUESTED

I have been consulted on this planning application for a new link road into Rushden Lakes from Ditchford Lane. The application also includes earthworks, material storage, footpaths, parking, lighting, etc but no commercial development. The link road has already been granted planning permission under 18/00004/FUL. This application is to provide an alternative development option to that approved and also for the pending hybrid application.

These comments relate to contamination in particular the site investigation and a ground gas risk assessment for the landfilled railway cutting running west to east across the site. Environmental Protection were approached some time ago about the extent of the site investigation and it was agreed in principle with them.

In essence the site investigation has not reported any significant risk from soil contamination that would impact on the proposed development or controlled waters. The ground gas risk assessment characterises the majority of the site as Characteristic Situation 1 (CS1) and no gas protection measures are required. The area occupied by the former landfill has been assessed as CH2 due to the presence of slightly elevated levels of carbon dioxide coupled with a steady flow rate recorded in monitoring locations across the landfill. Situation CS2 requires gas protection measures be incorporated into any building design, however, as this application is simply for the link road and associated infrastructure then no specific gas protection measures are required.
Based on the submitted information no further investigation or remediation is considered necessary and as such I have no objection to the proposed development. However, it may be prudent to place the following condition on the planning permission to deal with any previously unidentified contamination as follows:

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.

*Initial comments received 12.6.20 (Summary): FURTHER INFO REQUESTED*

Can you please request that a copy of the full site investigation report is submitted as soon as practicable. I am in possession of the earlier reports that are referenced. Please note I have copied in the agent.

6.26 **East Northamptonshire Council – Environmental Protection Officer (Construction Management)**

*Comments received 12.6.20: NO OBJECTION / CONDITIONS REQUESTED*

Dust emissions during the construction phase will be controlled through the Construction Environmental Management Plan (CEMP). The proposed development includes significant movement of materials around the site that has the potential to result in dust emissions. Table 7.5 of the CEMP states that a dust control plan will be produced and suggests a number of measures to control dust throughout the construction phase. Given the level of earthworks I feel this should be produced as a stand alone document.

Other measures outlined in the CEMP should be sufficient to protect amenity and the environment during works. Noise and working hours will be commented on separately. It is suggested that a planning condition is placed on the permission to ensure the CEMP is followed and a dust control plan submitted. The following may suit.

The Construction Environmental Management Plan, Project Number: 12348 dated February 2020, 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.

Prior to the commencement of the development, a scheme for the control of dust shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained for the duration of the construction works.

**Reason:** To limit the detrimental effect of demolition and construction works on adjoining residential occupiers.
6.27  **East Northamptonshire Council – Environmental Protection Officer (Air Quality)**

*Comments received 12.6.20: NO OBJECTION / CONDITIONS REQUESTED*

I have been consulted on this planning application for a new link road into Rushden Lakes from Ditchford Lane. The application also includes earthworks, material storage, footpaths, parking, lighting, etc but no commercial development. The link road has already been granted planning permission under 18/00004/FUL. This application is to provide an alternative development option to that approved and also for the pending hybrid application 18/01197/FUL.

There is no objection to the proposed development on the grounds of air quality as is a similar development to that permitted under 18/00004/FUL. Having looked through the air quality reports for both applications there is very little difference in traffic flow which is the main source of airborne pollutants. The applicant has updated the report for a proposed opening year for the development in 2021.

Measures have been proposed to support sustainable travel, air quality improvements, traffic reduction, etc and these measures should be conditioned through the planning consent. Also, for the provision of electrical charging units at an agreed rate commensurate with an increase of 39 parking spaces.

6.28  **East Northamptonshire Council – Environmental Protection Officer (Lighting)**

*Comments received 12.6.20: NO OBJECTION*

Although not specifically commented on previously a lighting plan has been submitted in support of this planning application. Natural England should be consulted on any potential impact on the ecologically sensitive sites nearby. The proposed scheme is unlikely to result in light pollution affecting persons in premises resulting in either nuisance or loss of amenity. Although the lighting will be visible in the environment.

6.29  **East Northamptonshire Council – Environmental Protection Officer (Noise / Working Hours)**

*Comments received 12.6.20: NO OBJECTION / CONDITIONS REQUESTED*

**Noise**

There is no objection to the proposed development on the grounds of noise. An assessment of noise and vibration has been provided in section 8.0 of the ES and follows a similar methodology for that submitted under 18/00004/FUL. The dominant noise source in the local area is traffic noise from the A45 and other roads in the immediate vicinity. It is predicted there should not be significant adverse impact from noise on any sensitive receptor when the road becomes operational.

There is the potential for some impact from noise and vibration on the Travelodge during construction and movement of materials around the site. This has been recognised in the assessment. This will be managed through the CEMP and the use of temporary noise barriers may be required when working in noise sensitive areas.

**Working hours**

Please place the following condition on the planning permission. The hours of work mirror those suggested by the applicant in section 1.7.1 of the CEMP.
No 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 unless otherwise agreed with the local planning authority.

Reason: To protect residential amenity and the ecology of the locality.

6.30 East Northamptonshire Council – Senior Tree and Landscape Officer

Comments received 23.11.20: NO OBJECTION / CONDITIONS REQUESTED

The necessary landscaping detail and specifications for planting and maintenance can be secured by condition.

My comments refer to the following documents:

- Landscape and Ecological Management Plan:
- Land to the West of Rushden Lakes
- Ditchford Road Link Road 2020 January 2020 by The Richards Partnership Document Reference No 18-36-R02 rev B

Including the following drawings:

- Landscape Strategy Plans
- Drawing numbers:
  - TRP 18-36-PL-221 Landscape Strategy Plan sheet 1 of 3
  - TRP 18-36-PL-222 Landscape Strategy Plan sheet 2 of 3
  - TRP 18-36-PL-223 Landscape Strategy Plan sheet 3 of 3
  - (incorporating Macgregor Smith proposals drawing number 1216-4-001 Rev 1)
  - TRP 18-36-PL-225 Tree Planting Details

Comments:

Macgregor Smith proposals drawing number 1216-4-001 Rev 1 Transition Area Landscape General Arrangement Plan

This plan covers the transitional area immediately to the west of the existing built up developed area and the area around the undeveloped link road. In principle I have no objections to the proposals. There is a quite sudden change of feel to the landscaping in terms of species selection in this drawing when compared to the other site landscaping drawings by The Richards Partnership. This should help provide a sense of space, and clearly define the transition between open space and built space.

One of the smaller shrub/tree species chosen is unsuitable. Sambucus nigra (Common Elder) is a very invasive species, and is only suitable on sites where there is intensive management. Although the fruit of this species is valuable for birds and other wildlife, because it is highly invasive and very fast growing, it can monopolise resources at the expense of other species, and to manage it properly requires harsh cutting back every year.

Any one of Prunus spinosa, Corylus avellana, Cornus sanguinea or Viburnum opulus, are suitable choices to replace Sambucus nigra on this site.
Having reviewed these proposals, I have no objection in principle. My only comment again is on one of the species chosen.

I’d prefer not to see Sorbus aucuparia (Mountain ash or Rowan) which although a native tree to the UK is not native to Northamptonshire, having a natural habitat of high altitude. This is a good opportunity to introduce more Sorbus terminalis (Wild service tree) back into the local landscape.

TRP 18-36-PL-225 Tree Planting Details

Suggested conditions

Appendix 6.2 part 4 of the Environmental Statement, the Landscape and Ecology Management Plan (LEMP) explains

"During the pre-construction phase, a series of drawn and written documents will be produced to set out the detailed landscape design proposals in accordance with the design objectives set out above and on the Landscape Strategy Plans. This package will include a detailed landscape maintenance specification to ensure all maintenance operations are carried out in accordance with best horticultural practice".

Therefore, for the avoidance of doubt we include the same language in our conditions.

LANDSCAPE DESIGN PROPOSALS

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until detailed landscape design proposals in accordance with the design objectives in accordance with the Landscape Strategy Plans within the submitted Landscape and Ecology Management Plan (LEMP) have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- Proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc).
- Soft landscape details shall include:
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables.
Reason: To ensure the provision of amenity afforded by appropriate landscape design.

LANDSCAPE WORKS IMPLEMENTATION
All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

LANDSCAPE MAINTENANCE
Prior to the occupation of the development a detailed landscape maintenance specification in accordance with the Landscape Strategy Plans within the submitted Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation. The landscape maintenance scheme shall be carried out as approved.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

6.31 East Northamptonshire Council – Independent Ecology Consultant (AECOM)

Comments received 18.1.21 (Summary): NO OBJECTION / CONDITIONS NECESSARY

AECOM has considered the potential impacts of the Rushden Link Road application both alone and in combination with other relevant plans and projects. This includes consideration of impacts not only on the Upper Nene Valley Gravel Pits SPA/Ramsar site itself but also on the Ditchford Reserve and the proposed compensatory habitat to be created for Stanton Cross (Wellingborough East).

AECOM concludes that two planning conditions are required to ensure that no adverse effect on integrity will arise:

- It is recommended that to avoid adverse effects on the SPA/Ramsar site and (particularly) Ditchford Reserve during construction of the scheme, and assuming works must take place during the October to March period, noise control measures sufficient to achieve a 10dB reduction in construction noise at Ditchford Reserve will be required and should be incorporated into a planning condition. The details of mitigation measures will need to be provided to the local planning authority before works commence. With such a condition included, a conclusion of no adverse effect on integrity can be reached.
• It is recommended that a planning condition is inserted requiring full details to be provided regarding the layout, design, surfacing and management of the informal permissive path between the proposed shared cycleway/footpath and the existing PROW to the north of the site. This will be required before that aspect of the Scheme can be constructed. The applicant must also submit details demonstrating this informal path can be established with measures in place to ensure that it does not facilitate materially easier access for recreational visitors from the new car park to the Upper Nene Valley SPA/Ramsar site. With such a condition in place the integrity of the SPA/Ramsar site would be protected from any increase in recreational pressure.

With these conditions incorporated into the planning consent, AECOM is of the view that the scheme will not result in an adverse effect on the integrity of the SPA/Ramsar site either alone or in combination with other plans and projects.

6.32 No representations were received from the Council’s Senior Conservation Officer, Planning Policy and Economic Development Teams. Any responses received will be reported on the update sheet, or verbally at the meeting.

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 Principle of Development

7.2 This application relates to primarily agricultural land/countryside between Ditchford Lane and the Rushden Lakes development. For the avoidance of doubt, this application is only for a link road and its associated works, and is not to be confused with the recently consented “Rushden Living” hybrid application (19/01092/FUL). This is a revised proposal following the grant of permission for the original link road scheme (18/00004/FUL).

7.3 The site is close to (but not within) the Upper Nene Valley Gravel Pits Special Protection Area / Ramsar site which was formally classified by the UK government in 2011. This is situated to the north and east of the application site. To the south is the A45 trunk road and service area, which comprises a hotel (Travelodge), restaurant (Buddies) and filling station.

7.4 Whilst there is no specific policy with the Joint Core Strategy which identifies this site for development, there are two implementable planning permissions which have established the principle of development. These are:

• 18/00004/FUL – the original link road permission; and
• 19/01092/FUL – the “Rushden Living” mixed use development.
Details of the Proposal

7.5 The application, as with the original link road application ("original scheme"), is for earthworks and to create a new single carriageway link road across the agricultural land between Ditchford Lane and the Rushden Lakes development. Its purpose would be to provide a second point of access into Rushden Lakes, and to alleviate congestion both at, and in the vicinity of the A45 Skew Bridge roundabout.

7.6 In terms of detail, the road would require upgrades to Ditchford Lane and the eastbound slip road of the A45. Ditchford Lane would be widened to accommodate a vehicle turning lane and central island for pedestrians & cyclists to cross and there would be a new footpath/cycleway along its eastern side, which would link to the existing footpath at the north roundabout at the A45 interchange. The upper section of the A45 slip road would be widened to two lanes where it meets the Ditchford Lane roundabout, with associated alterations and improvements to the footpaths and crossing points, to ensure that pedestrians are able to safely cross Ditchford Lane. As with the original scheme, the speed limit along Ditchford Lane is expected to be lowered to 40mph, whilst the speed limit on the new road is expected to be 30mph.

7.7 Regarding the link road itself, this would be single carriageway and would have four points of access at the Rushden Lakes end; as follows:

- A northbound access into the service yard of the leisure building;
- A direct link into the Rushden Lakes car park;
- A junction / link to the southern service road for Rushden Lakes; and
- A pedestrian link to the neighbouring petrol station / hotel site.

7.8 There would be two bus stops (one either side of the road) and a series of zebra crossings close to the Rushden Lakes entrance. Unlike the original scheme, the link road would flow directly into the Rushden Lakes car park, and would see the separation of service and customer traffic for the leisure building. A footpath link to the neighbouring petrol station and hotel site has also been negotiated. These represent significant improvements to the layout when compared with the original scheme.

7.9 At the Ditchford Lane end, there would be two lanes on the westbound approach and a central island for pedestrians and cyclists to be able to cross safely. There would be 3m wide foot / cycle paths on both sides of the road. The road would be privately owned, and would be lit.

7.10 A major difference with this proposal is that a large area of land to the south of the road would be used for the temporary storage of excavated material associated with the development for a period of up to five years. The land proposed to be used for this storage falls within the red line of the existing "Rushden Living" permission, so the principle of developing it in some form has already been established.

Highway Impact

7.11 As the application is primarily for a road, highway impact is one of the key considerations. Ditchford Lane is within the County Council’s control, whilst the A45 trunk road is the responsibility of Highways England. Both parties have been consulted on the application and, subject to conditions, are not objecting to the application.
7.12 Works to the highway mirror those of the original scheme, and involve the widening of both Ditchford Lane and the eastbound slip road from the A45.

7.13 If the link road – whether in this or its original form – is built, it will undoubtedly change traffic flows in and around the A45 corridor. The A45 slip roads and Ditchford Lane would be busier than they are at present, whilst Rushden Lakes-related traffic on the A45 between Ditchford Road and the Skew Bridge roundabout would be likely to decrease, which should partially alleviate congestion issues at the Skew Bridge roundabout. It would also provide a much easier route into Rushden Lakes from the new Stanton Cross development at Wellingborough.

7.14 Paragraph 109 of the NPPF is clear 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.*

7.15 In the absence of an objection from the two respective highway authorities, and in the context that there is an existing permission for a very similar scheme (the original link road), as well as for the “Rushden Living” scheme, the highway impact is considered to be acceptable.

**Landscape and Visual Impact**

7.16 The proposal, as with the previous link road and Rushden Living approvals, would urbanise/suburbanise 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 new road would have 3m wide cycleways on both sides, thus resulting in a significant amount of additional hardstanding.

7.17 With the principle of development already established for a link road in this location, the visual impact of a new road has already been judged to be acceptable. Therefore, the key issue here is to ensure that the landscape works are acceptable.

7.18 The majority of soft landscaping would be to the north of the link road and there would be an attenuation pond, swale and informal footpath link to the north toward Ditchford Lakes and Meadows Nature Reserve and public footpath UK1.

7.19 Consultation responses to the application on landscape have been favourable, with both the County ecologist and the Council’s Senior Tree and Landscape Officer raising no objections subject to tweaks to species types and the imposition of conditions requiring further details relating to:

- Landscape design proposals;
- Landscape works implementation; and
- Landscape maintenance

7.20 Subject to the imposition of these conditions, the proposals are considered to be acceptable with regard to landscape and visual impact.
**Biodiversity / Protected Species**

7.21 The ES submitted with the application includes a chapter on Biodiversity and this was initially assessed by the relevant consultees (Natural England / NCC Ecology / North Northants Badger Group / The Wildlife Trusts).

7.22 No objections have been received from the County ecologist, who is content to defer to the knowledge of Natural England on matters relating to impacts upon the SPA. The North Northants Badger Group, who did not object to the previous link road application, have also not objected subject to a pre-commencement condition for a badger survey.

7.23 Natural England did not object to the previous link road application, but at the time of writing the report, are objecting to this application. Briefly, the objection is on the basis that insufficient information has been provided by the applicant, meaning that in their view it is not compliant with the Habitats Regulations. The objection is also on the basis of recent evidence of declining conservation performance of the adjacent Special Protection Area (SPA). The concerns raised by Natural England are echoed by the Wildlife Trusts, and for similar reasons.

7.24 The issues raised in Natural England’s objection are as follows:

- The Habitats Regulations Assessment (HRA) (and ES) does not identify or explore what they consider to be the key environmental constraints associated with developing this site;

- An Appropriate Assessment is required to explore whether there is an adverse effect of the integrity of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar, via numerous impact pathways, however it is not supplied;

- The in-combination effects of development west of Rushden Lakes will need to be a key consideration of the HRA

- The assessment for Functionally Linked Land is not adequate or complete;

- The in-combination assessment is vague and inadequate;

- The additional wintering bird survey effort (in addition to the previous surveys for previous road applications) is poor;

- There is no information about how the enhanced pedestrian and cycle access routes will feed into existing Public Rights of Way, or impact the SPA via recreational pressure which is an existing key problem within the adjacent SPA;

- We require information on how discharging surface water to the wet flush located within Ditchford Lakes and Meadows Local Wildlife Site (and feeding into the SPA) is appropriate; and
- It is unclear how the scheme's lighting proposals, which have been identified as a Likely Significant Effect, will be addressed in terms of the Habitats Regulations.

7.25 There is also clear concern from Natural England about the intent for land beyond the application site (known as "Rushden Lakes West") to come forward for development in the near future, as this has been promoted by the applicant's representatives for inclusion within the Local Plan Part 2 for a mixed use development.

7.26 At the Council's Planning Policy Committee meeting of December 10th 2020, the land known as Rushden Lakes West was discounted for inclusion in the Local Plan Part 2. A site to the east of the A6 / Bedford Road is to be taken forward instead.

7.27 This negates part of Natural England's concerns, as the short term risk of mixed use development adjacent to the SPA has somewhat subsided, but the fact remains that there is a fallback position of two other implementable planning permissions on the application site (the original scheme and Rushden Living). As this is a revised scheme for a link road, the impact upon ecology is not considered to be any worse than what is already able to happen under either the original scheme or Rushden Living.

7.28 Nonetheless and given the importance of the SPA, the Council has sought further advice from its own independent ecologist. This advice has been presented to the council in the form of an 'Appropriate Assessment' as required under the Conservation of Habitats & Species Regulations 2017.

7.29 The advice concludes that two additional planning conditions are required to ensure that no adverse effect on integrity will arise, not only on the Upper Nene Valley Gravel Pits SPA/Ramsar site itself but also on the Ditchford Reserve and the proposed compensatory habitat to be created for Stanton Cross (Wellingborough East). These conditions are on the following grounds:

- It is recommended that to avoid adverse effects on the SPA/Ramsar site and (particularly) Ditchford Reserve during construction of the scheme, and assuming works must take place during the October to March period, noise control measures sufficient to achieve a 10dB reduction in construction noise at Ditchford Reserve will be required and should be incorporated into a planning condition. The details of mitigation measures will need to be provided to the local planning authority before works commence. With such a condition included, a conclusion of no adverse effect on integrity can be reached.

- It is recommended that a planning condition is inserted requiring full details to be provided regarding the layout, design, surfacing and management of the informal permissive path between the proposed shared cycleway/footpath and the existing PROW to the north of the site. This will be required before that aspect of the Scheme can be constructed. The applicant must also submit details demonstrating this informal path can be established with measures in place to ensure that it does not facilitate materially easier access for recreational visitors from the new car park to the Upper Nene Valley SPA/Ramsar site. With such a condition in place the integrity of the SPA/Ramsar site would be protected from any increase in recreational pressure.
7.30 This application is significant in scale and has been accompanied by an Environmental Statement. Ecology is a sensitive issue in this location and the council is further advised by the independent ecologist and planning solicitor that it would not be good practice for the Council to determine the application (based on a recommendation to approve) without seeking further views from relevant consultees.

7.31 A reconsultation exercise has been undertaken with Natural England, the Wildlife Trusts and the ecologist at Northamptonshire County Council. This period will have elapsed by the time of the Committee meeting, and Officers will be able to update Members with any further responses received and / or any update(s) to the recommendation. The final wording of the additional conditions proposed by the Council’s ecologist is a specialist matter and should be delegated to Officers to conclude.

Flood Risk / Water Quality / Contamination

7.32 The ES includes chapters relating to water environment, land & contamination and a flood risk assessment. The site falls within Flood Zone 1, so there is a considerably reduced risk of flooding when compared with Zones 2 and 3. Sustainable drainage forms part of the design and will include an attenuation pond and swale.

7.33 As with biodiversity, given the site’s proximity to the SSSI and SPA, it is reassuring that no objections have been raised to the application from the Environment Agency, Lead Local Flood Authority or from our own Environmental Protection team.

7.34 A precautionary contamination condition has been requested by the Environment Agency and the Lead Local Flood Authority have requested conditions requiring further details of surface water drainage and management. These are reasonable requests and conditions will be imposed in the event of an approval.

Connectivity / Layout

7.35 There are several elements to this part of the proposal. Firstly, the road has been proposed on the basis that it will provide a second route into Rushden Lakes, so this is its primary purpose. In this regard, the proposal is considered to represent an improvement when compared to the existing arrangements.

7.36 The layout is similar to the previously approved scheme in that there would not be a direct or free-flowing link from the A45 into Rushden Lakes for vehicular traffic. As before it would involve a left turn at the top of the A45 slip road (which would be widened), and a right turn into the link road. For traffic travelling to the A45 (W) from Rushden Lakes, the route is similar and would require navigating both roundabouts at the A45 Ditchford Interchange. This is not ideal but is no worse than the previously approved scheme.

7.37 At the Rushden Lakes end of the road however, the layout would involve reconfiguration of parts of the car park layout and is substantially better than the previous scheme. Firstly, servicing for the leisure building would be separated from general car park traffic and there would be a separate vehicle access point for it. This would improve safety in the car park area and will reduce confusion for delivery drivers.
7.38 Secondly, the link road would now flow directly into the Rushden Lakes car park, so for the majority of vehicles, this represents a much more straightforward, free-flowing route, with less likelihood of motorists ending up on the southern service road by mistake. The alignment of the southern service road would be altered to create an additional parking area to the immediate west of the Garden Square (Skechers) building.

7.39 Thirdly, pedestrian linkages are much improved. The route between the Garden Square and Leisure buildings would be re-aligned and would be safer, wider and more desirable to use, with two priority crossings. There would be good links from the staff parking area to the south of the Garden Square, and a pedestrian link (not included in the previous scheme) would also be provided to the neighbouring hotel / petrol station site to the south. The bus stops would be located close to the car park entrance and pedestrian routes to / from them would be convenient and safe.

7.40 As with the previously approved scheme there would be a footpath along Ditchford Lane to the A45 Ditchford Interchange, as well as a crossing (with central refuge) to provide access to the west side of the road. Along the link road itself there would be 5 pedestrian crossing points between Ditchford Lane and the Garden Square building.

7.41 The application site is larger than that of the previously approved link road as it also includes land to the south (between the link road and A45) which is intended for the temporary storage of excavated material for a period of up to five years.

7.42 Overall, connectivity is much improved when compared with the previously approved link road. The layout remains somewhat disjointed at the Ditchford Lane / A45 end but is now considerably better at the Rushden Lakes end, which will be to the benefit of all users. In the context of the two extant permissions, the use of additional land for the storage of excavated material, whether temporary or longer term, is also considered to be acceptable.


Crime Prevention

7.43 Consultation has been undertaken with Northamptonshire Police who fully support this application in principle to help relieve congestion on the A45, but who also have concerns which they believe should be considered before any decision is made. These concerns relate to:

- **Lighting** – Advice is that dependant on the agreed pedestrian/vehicular access control policy the lighting scheme to the road and car park could be dimmed during non-operational hours to help deter its use.

- **Access control to the link road from Ditchford Lane** – Advice is that access to all traffic should be prevented during out of hours periods to prevent access of those with criminal intent within the retail / leisure area, prevent the road being used for anti-social acts / gatherings, unauthorised encampments and HGV parking with all the associated road/verge damage rubbish and human waste. The police further advise that a detailed scheme must be submitted and agreed in respect of this.
• CCTV / ANPR (Automatic number plate recognition) – Advice is that a scheme should be submitted. This is likely to be an extension to the existing system which is controlled / monitored 24/7 from the main customer service/security office. The scheme should include coverage of the proposed car parking areas and access via the link road and pedestrian link to the service area on the A45.

• Crime impact strategy / statement – None has been submitted and advice is that this should include management practises and how the new development ties in with existing measures and procedures.

7.44 All of the above concerns are reasonable but are able to be conditioned, with details to be agreed and implemented before the road opens. This is consistent with the approach taken on the previous link road application.

Archaeology

7.45 The ES covers this issue and the County Archaeologist acknowledges that the proposed development will have a detrimental impact on any archaeological remains present, but concludes that this 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.

7.46 They have recommended a pre-commencement condition for a Written Scheme of Investigation and associated fieldwork. This is consistent with the previously approved link road scheme, and new wording will allow for a phased discharge to the condition.

Other Adverse Effects

7.47 The ES submitted with the application has highlighted a number of adverse effects created as a result of the development, most of which will be during the construction phase only. These are as follows:

• Changes to a number of views associated with construction activities from the A45, local roads and footpaths including Public Right of Way UK1 and TL3;

• Local changes to landscape features and character as a result of the construction activities;

• Temporary disruption to users of the surrounding road network, especially along Ditchford Road and at the A45 Ditchford Road Interchange;

• Potential for mobilisation of contaminants resulting in the deterioration of surface and groundwater quality;

• Potential for dust emissions resulting from the construction activities; and

• Potential for dust, lighting and noise disturbance for species within the Upper Nene Valley Gravel Pits SPA, Ramsar and SSSI and Ditchford Reserve LWS.
7.48 Post-construction there will also be adverse changes to a limited number of local views associated with the Proposed Development from Ditchford Road and Public Rights of Way UK1 and TL3, as well as the continued exceedance of air quality objectives within the application site.

7.49 There will also be moderate adverse effects within the application site from the loss of 5.72 ha of good quality agricultural land, but there are now two extant planning permissions which have agreed the principle of this loss. In addition, there will be a minor adverse effect from glare, light spill, light presence and local sky glow on the A45 service area adjacent to the application site.

7.50 These effects have previously been considered to be acceptable by the council. The application site is larger in this case as it also includes the area of land proposed for excavated material storage, but this land was also included within the Rushden Living application (19/01902/FUL), which also received planning permission.

8 Other Matters

8.1 Equality Act 2010: It is considered that the proposal does not raise any concerns in relation to the Equality Act (2010).

8.2 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.

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

8.4 A45 Slip Road Length / How Many Vehicles Can Queue?: The two-lane section of slip road will be increased to 46.5m in length. Based on an average sized family car (Nissan Qashqai – 4.4m long) and assuming a 0.5m gap between each one, this would allow for 9 (9.5) vehicles to queue in each of the two lanes. In its entirety the slip road is in excess of 300m long before it reaches the A45 carriageway.

9 Conclusion / Planning Balance

9.1 In conclusion, the recommendation is that the application should be approved subject to ecological / SPA impacts being satisfactorily addressed.

9.2 To date, Rushden Lakes has generated more vehicular traffic than envisaged and more phases have opened since the previous link road permission (18/00004/FUL) was issued, which will have increased traffic levels further. On that basis, a second access into Rushden Lakes not only seems sensible, but in reality will be vital as the retail and hospitality sectors recover from the effects of the Covid pandemic (which have temporarily reduced traffic levels). The link road should alleviate some of the congestion at the A45 Skew Bridge roundabout.

9.3 At the time of writing the report, the ecological impact is felt to be comparable to the original scheme, and when compared with the originally approved road, the layout is considerably better, particularly at the Rushden Lakes end, which will be to the benefit of all users. Connectivity is now also proposed to the neighbouring hotel site and overall the proposal would offer better connectivity to both Rushden and Wellingborough for motorists, pedestrians and cyclists.
9.4 Both the Local Highway Authority and Highways England are satisfied with the proposals and subject to a range of conditions to control matters raised by consultees, the design and layout are considered to be acceptable.

10 Recommendation

10.1 That authority be delegated to the Head of Planning Services to GRANT planning permission subject to the satisfactory resolution of ecological / SPA concerns, including the precise wording of additional conditions recommended by the Council’s independent ecologist, and subject to the following conditions:

11 Conditions

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.

2 Except where otherwise stipulated by Condition, the development shall be carried out strictly in accordance with the details outlined in the application form and the following plans/documents:

- 6305-098 Rev 0 - Site Location Plan
- 16305-099 Rev 0 - Existing Site Plan
- 16305-102 Rev 01 - Proposed Site Plan
- 1216-4-001 Rev P1 - Transition Area - Landscape General Arrangement Plan
- RLLR-BED-ST-00-DR-C0900 Rev P1 - Proposed Levels - Sheet 1
- RLLR-BED-ST-00-DR-C0901 Rev P1 - Proposed Levels - Sheet 2
- RLLR-BED-ST-00-DR-C0920 Rev P1 - Link Road Layout and Long Sections
- RLLR-BED-ST-00-DR-C0921 Rev P0 - Typical Road Cross Sections
- RLLR-BED-ST-00-DR-C0930 Rev P1 - Link Road Gas Protection Slab 1
- RLLR-BED-ST-00-DR-C0931 Rev P1 - Link Road Gas Protection Slab 2
- RLLR-BED-ST-00-DR-C0932 Rev P1 - Link Road Gas Protection Slab 3
- 18-36-PL-221 Rev 1 - Landscape Strategy (Sheet 1 of 3)
- 18-36-PL-222 Rev 1 - Landscape Strategy (Sheet 2 of 3)
- 18-36-PL-223 Rev 1 - Landscape Strategy (Sheet 3 of 3)
- 18-36-PL-224 Rev 1 - Landscape Strategy Cross Sections
- 18-36-PL-225 Rev 0 - Tree Planting Details
- CPW-190405-E-EXT-00-01 Rev 1 - Proposed Roadway Lighting
- HE********.VEC-HGNMLLR- DR-CH-D100 Rev P03 - General Arrangement (Sheet 1 of 2)
- HE********.VEC-HGNMLLR- DR-CH-D100.1 Rev P02 - General Arrangement (Sheet 2 of 2)
- GIS451 Rev B - Archaeology Survey
- Flood Risk Assessment (FRA) 12348-CRH-ZZ-00-RP-C-0002-FRA-F1, dated 18.03.20, by Campbell Reith Consulting Engineers
- Construction Environmental Management Plan 12348, dated February
2020, by Campbell Reith Consulting Engineers, to also include the Reptile Survey Reports and Method Statement (Appendix 7.4 of the Environmental Statement)

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

3 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until detailed landscape design proposals in accordance with the design objectives in accordance with the Landscape Strategy Plans within the submitted Landscape and Ecology Management Plan (LEMP) have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:

- Proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc).
- Soft landscape details shall include:
  - Planting plans
  - Written specifications (including cultivation and other operations associated with plant and grass establishment)
  - Schedules of plants, noting species, planting sizes and proposed numbers /densities where appropriate
  - Implementation timetables.

**Reason:** To ensure the provision of amenity afforded by appropriate landscape design.

4 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the operation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

**Reason:** To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
5 Prior to the operation of the development a detailed landscape maintenance specification in accordance with the Landscape Strategy Plans within the submitted Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation. The landscape maintenance scheme shall be carried out as approved.

**Reason:** To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

6 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 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 to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

- Details of expected design life of all assets with a schedule of when replacement assets may be required

**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 and to ensure the future maintenance of drainage systems associated with the development.

7 Before any above ground works commence full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment ref 12348 rev F1 dated 18th March 2020 prepared by Campbell Reith, 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 the control chambers (including site specific levels mAOD) and manufacturers’ hydraulic curves should be submitted for all hydrobrakes and other flow control devices.

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 and to ensure the future maintenance of drainage systems associated with the development.

8 Prior to public use a Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment ref 12348 rev Fl dated 18th March 2020 prepared by Campbell Reith, shall be 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 in 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) CCTV 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.

9 Prior to the commencement of development a Badger Survey shall be submitted to and approved in writing by the Local Planning Authority. The Badger Survey shall assess the potential for badger activity within the site and identify any required mitigation measures. The mitigation measures shall be implemented in accordance with the approved details.

Reason: To ensure the potential for badger activity is fully examined and recorded.

10 No 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 unless otherwise agreed with the local planning authority.

Reason: To protect residential amenity and the ecology of the locality.
11 The Construction Environmental Management Plan, Project Number: 12348 dated February 2020, 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.

12 Prior to the commencement of the development, a scheme for the control of dust shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained for the duration of the construction works.

**Reason:** To limit the detrimental effect of demolition and construction works on adjoining residential occupiers.

13 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out on that part of the site until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure if any previously unidentified contamination is encountered during development that it is dealt with appropriately.

14 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 post-exavation analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, completion 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.
15 The new link road shall not be opened to pedestrian, cycle or vehicular traffic until full details of:

- Signage (on and off-site, including strategic signage further away from the site);
- Bus stop facilities;
- Lighting management – including any proposals for dimming of lights outside of operational hours;
- Measures to prevent HGV parking and unauthorised encampments along the link road;
- Measures to prevent motorcycle access between the site and neighbouring PFS / hotel site;
- CCTV (to include coverage of the footpath link to the neighbouring PFS / hotel site); and
- HGV delivery management & routing (during and post construction)

have been submitted to and agreed in writing by the Local Planning Authority. The road may only open to vehicular traffic once these details have been agreed and, where relevant, fully implemented.

**Reason:** In the interests of crime prevention, ecology, highway safety and convenience.

16 The new link road shall not be opened to pedestrian, cycle or vehicular traffic until a crime impact strategy, to include management practices and which demonstrates how the new development ties in with existing measures and procedures at Rushden Lakes, has been submitted to and agreed in writing by the Local Planning Authority. The road may only open once these details have been agreed and implemented where relevant.

**Reason:** In the interests of crime prevention.

17 The new link road shall not be opened to pedestrian, cycle or vehicular traffic until the agreed highway improvements and lighting scheme listed in Condition 2, together with any lighting management arrangements agreed as part of Condition 15, have been fully implemented.

**Reason:** In the interests of crime prevention, highway safety and convenience.

18 Highway mitigation measures at A45 Ditchford Interchange as per Vectos Drawings HE******.VEC-HGN-MLLR-DR-CH-D100 Rev P03 and Drawing ref. HE******.VEC-HGN-MLLR-DR-CH-D100.1 Rev P02 (or as amended by Road Safety Audit and/or Detailed Design) must be delivered and open to traffic prior to the opening of the proposed Ditchford Lane Link Road, unless otherwise agreed with the Local Planning Authority in consultation with Highways England.

**Reason:** 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.
18 Prior to the construction of the proposed link road 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: 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.

12 Reasons for Approval

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. Regard has been had to the core planning principles in the NPPF and the more specific policies. In addition, the Environmental Statement (ES) submitted with the application, together with the Development Plan and other material considerations have all been taken into account as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

13 Informatives

1 From Highways England

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 David Steventon to discuss these matters on david.steventon@highwaysengland.co.uk.

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 Area7networkoccupancy@highwaysengland.co.uk.

2 From Cadent Gas

No development or work may take place until Cadent have been consulted and liaised with as there may be plant protection measures that are necessary to protect the integrity of the HP gas pipeline.
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.

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>20/00534/FUL</th>
</tr>
</thead>
<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>Revised scheme to construct a new link road between Ditchford Lane and Rushden Lakes (with associated Site clearance and earthworks) alongside junction works, car parking, footpaths, cycleways, lighting, drainage works, hard and soft landscaping and associated works. Reconfiguration of existing car parking and Service Yard areas and the temporary storage of excavated material for a period of up to five years</td>
</tr>
<tr>
<td>Status of Application:</td>
<td>Pending consideration</td>
</tr>
<tr>
<td>Proximity to SPA:</td>
<td>Within 2km</td>
</tr>
</tbody>
</table>

Lead Planning Officer: Dean Wishart

Stage 1 - details of the plan or project

| European site potentially impacted by planning application, plan or project: | YES |
| Is the planning application, project or plan directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)? | NO |
| Are there any other projects or plans that together with the planning application being | YES, The HRA for the North Northamptonshire Joint Core Strategy |
assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?

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 the integrity of the SPA unless avoidance and mitigation measures are in place.

There are two fallback positions in respect of this application which are:
18/00004/FUL (Original Link Road); and 19/01092/FUL (Rushden Living)

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 within close proximity of the SPA. Whilst no dwellings are proposed, the development includes a number of foot and cycleways which will encourage more recreational use of the SPA

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 securing financial contributions towards Strategic Access Management and Monitoring (SAMM) and/or other suitable infrastructure. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.
In this case the applicant has not provided a project level HRA (Habitats Regulation Assessment). Natural England has assessed the information contained within the Environmental Statement (ES) and are dissatisfied. They have objected to the application for the reasons given in the report (NE response also shown 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:**
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 unconvinced that the proposed development will not have likely significant effects on the Upper Nene Valley Gravel Pits Special Protection Area and its qualifying features. Their objection to the proposed development is shown below.

### Natural England Officer:

Natural England objects to the revised Ditchford road scheme application (consultations 20/00534/FUL & WP/20/00291/EXT) because in our view it is not compliant with the Habitats Regulations.

- The HRA (and ES) does not identify or explore what we consider to be the key environmental constraints associated with developing this site.
- An Appropriate Assessment is required to explore whether there is an adverse effect of the integrity of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar, via numerous impact pathways, however it is not supplied.
- The in-combination effects of development west of Rushden Lakes will need to be a key consideration of the HRA.
- The assessment for Functionally Linked Land is not adequate or complete.
- The in-combination assessment is vague and inadequate.
- The additional wintering bird survey effort (in addition to the previous surveys for previous road applications) is poor.
- There is no information about how the enhanced pedestrian and cycle access routes will feed into existing Public Rights of Way, or impact the SPA via recreational pressure which is an existing key problem within the adjacent SPA.
- We require information on how discharging surface water to the wet flush located within Ditchford Lakes and Meadows Local Wildlife Site (and feeding into the SPA) is appropriate.

It is unclear how the schemes’ lighting proposals, which have been identified as a Likely Significant Effect, will be addressed in terms of the Habitats Regulations.
Case Officer  Peter Baish        20/01244/VAR

Date received  05 Oct 2020  Date valid  08 Oct 2020  Overall Expiry  31 Mar 2021  Ward  RUSP  Parish  RUS

Applicant  Mr Angus Lawson

Agent  Mr Lee Randall (LMR Designs)

Location  Rushden Memorial Clinic, Hayway, Rushden, Northamptonshire, NN10 6AG

Proposal  Variation of condition 2 to reflect changes in drawing referencing the site plan pursuant to Application Reference Number: 19/01777/FUL - Conversion and extension to create 14 one and two bed flats for occupation by persons over 55 years of age, including communal parking and amenity spaces (resubmission of 19/00594/FUL). Condition Number(s): 2 - Drawing numbers

This application is brought before the Planning Management Committee in accordance with Part 3.2 (1)a of the Councils Scheme of Delegation as it is a Section 73 application which relates to an application for major residential development.

1  Summary of Recommendation

1.1  Recommendation 1: If a satisfactory deed of variation to the Section 106 legal agreement as confirmed under planning reference 19/01777/FUL which secures obligations as set out in this report is completed by 31st March 2021 (or other agreed date): GRANT planning permission subject to conditions.

1.2  Recommendation 2: If a satisfactory deed of variation to the Section 106 legal agreement under planning reference 19/01777/FUL is not completed by 31st March 2021 (or other agreed date): Delegate to Head of Planning Services to REFUSE planning permission.

2  The Proposal

2.1  Planning permission was granted on 14th August 2020 for the conversion and extension of a former Memorial Clinic to create 14 one and two bed flats for occupation by persons over 55 years of age, including communal parking and amenity spaces (resubmission of 19/00594/FUL).

2.2  This Section 73 application has been submitted to vary condition 2 (Approved Plans) to:

- relocate the bin storage area to allow for an additional parking space
- construct a brick wall to the front pedestrian gate
- provide new electric vehicular access gates to the front with new brick piers.

All other aspects of the proposal would remain as approved.

2.3  If the amendment is granted, the original plans condition (condition 2) would be amended to substitute the original proposed site plan and with the revised site plan showing the amendments as approved.
3 The Site and Surroundings

3.1 The application site is located within the town of Rushden. It is located in a predominantly residential area. The Rushden Academy Secondary School is located close to the southwest. The town centre is located to the south of the site and is within walking distance (some 500 – 600 metres). Policy 11 of the North Northamptonshire Joint Core Strategy (JCS) (2016) identifies Rushden as a ‘Growth Town’ of which new housing should be focussed due to the sustainable and accessible credentials of the town with good opportunities for employment, retail and leisure.

3.2 The application site contains a single building formerly used as a Clinic. It sits centrally on a large plot with existing planting within the curtilage. The site has two existing access points onto Hayway and historically the Clinic was accessed using both entrances which ran up the eastern and western boundaries of the site to an area of hardstanding in front of the building for parking.

3.3 The existing building is not listed and is traditional in style, constructed in red facing brick with clay tile roof. It is not prominent in the street scene due to its being set back and given the existing landscaping. However, glimpsed views from the public realm at Hayway can be achieved. The front elevation is punctuated with a strong projecting gable and the openings are somewhat civic in character although currently boarded up. The roof detailing is shown with decorative timber fascia’s and banding between the ground and first floors. Other features are prominent such as a stone entrance and stone quoins at first floor. The front elevation has a single storey garden room style extension and has been subject to installed rooflights as part of a conversion of the roof space.

3.4 The building has significant interest, in part due to its history with the family association to the local shoe industry and its acquisition after the war as a hospital and memorial operated from the post-war period by the newly founded National Health service. As such, the building is regarded as a non-designated heritage asset. It is considered that the architectural quality of the building is largely focussed on the front elevation.

3.5 Adjacent to the application site, there are residential properties and their curtilages to the northern, eastern and western boundaries. To the north is Lime Street, a recent development of two and a half storey townhouses developed at a notably higher density than most of the surrounding area.

3.6 To the eastern boundary the site abuts a shared driveway that serves three properties. The first fronts Hayway but is accessed from this shared driveway and the other two are set out in a back land arrangement with the principal elevation of each facing towards the application site, some 25 metres from the site boundary.

3.7 The western boundary also immediately abuts a shared driveway, known as Oakfield, which provides access for four properties in a back land arrangement. When accessing from Hayway the first two properties on the access face towards the application site, the third has the same orientation but faces the Lime Street development to the north with the final property facing southwards.

3.8 Immediately south of the application site, beyond Hayway, an existing road junction with Spencer Road is apparent and either side of this are residential properties of varying sizes and forms although there is a continual use of red facing brick, albeit in different proportions, from one property to another.
3.9 The building is not located within a Conservation Area and in terms of flood risk, the site is identified as being located within Flood Zone 1 and not at risk of flooding.

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 11 - The Network of Urban and Rural Areas
Policy 28 - Housing Requirements
Policy 29 - Distribution of New Homes
Policy 30 - Housing Mix and Tenure

4.3 East Northamptonshire District Local Plan (DLP) (1996)
None applicable.

4.4 Rushden Neighbourhood Plan (RNP) (2018)
H2 - Location of new housing development
H4 - Market housing type and mix
EN1 - Design in development
EN2 - Landscaping in development
T1 - Development generating a transport impact

4.5 Other Documents
Northamptonshire County Council - Local Highway Authority Standing Advice for Local Planning Authorities (2016)
Northamptonshire County Council - Local Highway Authority Parking Standards
Northamptonshire County Council - Planning Out Crime SPD (December 2003)
Joint Planning Unit - Design SPD (March 2009)
East Northamptonshire Council - Domestic Waste Storage and Collection SPD (July 2012)
Trees and Landscape Supplementary Planning Document (2013)
Biodiversity SPD (February 2016)
Upper Nene Valley Gravel Pits SPA SPD (2016)

5 Relevant Planning History

5.1 20/01018/CND - Discharge of Conditions, pursuant to 19/01777/FUL: Conversion and extension to create 14 one and two bed flats for occupation by persons over 55 years of age, including communal parking and amenity spaces. DISCHARGED – 11/12/2020

5.2 19/01777/FUL - Conversion and extension to create 14 one and two bed flats for occupation by persons over 55 years of age, including communal parking and amenity spaces (resubmission of 19/00594/FUL) – APPROVED – 14/08/2020
5.3 19/00594/FUL - Conversion and extension of the existing memorial clinic to create 14 One and Two-bedroom flats for occupation by the older population (over 55s) with secure amenity space, communal living areas and associated parking (Re-submission of
5.4 18/00646/FUL) - REFUSED 29/07/2019
5.5 18/00646/FUL - Conversion and extension of the existing Memorial Clinic to create 12no. one and two-bedroom flats, with shared amenity space and associated parking. Construction of two bungalows and associated parking within the grounds of the existing building Rushden Memorial Clinic Hayway - Appeal against non-determination DISMISSED - 22/08/2019
5.6 08/00186/FUL - Replacement of fire escape staircase -- APPROVED - 09/04/2008
5.7 05/01529/TPO/ - Removal of Horse Chestnut tree - CLOSED by Officer - 11/10/2017

6 Consultations and Representations

6.1 Rushden Town Council
Comments received 22.10.2020:
No objection

6.2 East Northamptonshire Council - Environmental Protection
Comments received 13.10.2020:
No comments to make with respect to this planning application.

6.3 East Northamptonshire Council - Health Protection
Comments received 13.10.2020:
No comments to make concerning the planning application.

6.4 Northamptonshire Fire Service
Comments received 13.10.2020:
The minimum width of the roads should be 3.7m.
Any turning circles between kerbs should be 15.7m
The road carrying capacity should be a minimum of 15 tonnes to accommodate a Northants Fire and Rescue Service pumping appliance.
Access to the furthest point of any building from the road should be no more than 45m.
6.5 Northamptonshire County Council – Local Highway Authority (LHA)

Comments received 16.10.2020:

The LHA confirms that the proposed variation does not raise any further observations. The application site is not affected by a Public Right of Way.

6.6 Northamptonshire Police (Crime Prevention Officer)

Comments received 13.10.2020:

Northamptonshire Police have no objection to this application to vary condition 2.

6.7 Northamptonshire County Council - Archaeology

Comments received 02.11.2020:

I have no comments to make on the proposals.

6.8 Natural England

Comments received 20.10.2020:

Natural England currently has no comment to make on the variation of condition 2.

6.9 Neighbour Representations

None 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:

7.2 • Principle of development
• Design and visual impact in relation to the street scene
• Impact on neighbouring amenity
• The effect on highway safety and parking
• Flood risk
• Biodiversity
• Other issues

Principle of Development

7.3 The principle of development has been established by virtue of the planning permission granted on 14th August 2020 for the conversion and extension to create 14 one and two bed flats for occupation by persons over 55 years of age, including communal parking and amenity spaces (resubmission of 19/00594/FUL).
7.4 This Section 73 application is for relatively minor amendments to the site layout to relocate the bin storage area to allow for an additional parking space, the construction of a brick wall to the front pedestrian gate and new electric vehicular access gates to the front with new brick piers.

7.5 Since the approval of the original planning application on 14th August 2020 there has been no material change in the site or significant changes in planning policy that would question the principle of development, therefore as the principle of development is clearly established, the only consideration is for the amendments as detailed above in paragraph 7.4 of the officer report.

Design and Visual Impact (in relation to the street scene)

7.6 The re-positioning of the bin storage area from the western boundary to the eastern boundary and creation of an additional parking space is considered acceptable and would have no impact upon the character and appearance of the area.

7.7 The size and appearance of the bin store is the same as previously approved and will continue to allow for the bin lorry to access the site and collect the refuse in a safe manner.

7.8 The second amendment concerns the frontage of the site and the inclusion of a pedestrian gate, brick wall and electric vehicular gate for security reasons. The pedestrian gate and vehicle gate will be black metal and accord to the character and appearance of the area. The brick wall and piers are considered to further enhance the entrance to the site and subsequently have no significant impact upon the appearance of the area.

Impact on Neighbouring Amenity

7.9 The NPPF and policy 8 of the JCS (2016) seek to protect amenity of neighbouring users. The policy also seeks to ensure residential amenity is not harmed as a result of development; the NPPF within the core principles states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

7.10 It is considered that the amendments to the scheme would have no significant impact upon neighbouring residential amenity. The bin store is to be re-located in a suitable location so as not to impact unduly upon neighbouring amenity and all waste will be collected directly from the bin store rather than a kerbside collection.

7.11 No representations have been received from any neighbouring resident.

7.12 Overall, it is concluded that the effect on the living conditions for both existing residents near the site and future occupiers of the proposed development would continue to be acceptable. Details of hard and soft landscaping and finished floor levels have been agreed via condition discharge (20/01018/CND) and these details will be pulled through onto this approval to further ensure residential amenity is protected.
Highway Safety and Parking

7.13 The existing access arrangements for the site remain unchanged other than the inclusion of an electronic vehicular gate set over 10 metres back from the highway edge to allow vehicles (including refuse) to pull clear of the highway before entering the site. The on-site manoeuvring space available will continue to operate as existing. The existing off-road parking spaces on site are to be increased by one space resulting in an overall provision of 35 parking spaces. The level of parking provision is considered to be acceptable. The proposal is deemed to provide sufficient parking on site in accordance with the guidance contained within the Local Highway Authority Standing Advice for Local Planning Authorities and the Local Highway Authority offers no objection to the proposal.

Flood Risk

7.14 The application site is in Flood Zone 1, which means it has a low probability of flooding. In terms of drainage the proposal is for a major development with increased levels of hardstanding, to ensure that there no additional surface water run-off impacts within the locality a surface water management strategy would be secured via condition. The proposal is therefore considered acceptable and complies with Policy 5 of the JCS

Biodiversity

7.15 The site is within 3km of the Upper Nene Valley Gravel Pits Special Protection Area. In such cases, the Council has a requirement linked to the adopted Biodiversity Supplementary Planning Document which requires a contribution of £269.44 per dwelling to mitigate against any impact. This contribution has been paid under planning permission reference 19/01777/FUL and the application therefore complies with policy 4 of the North Northamptonshire Joint Core Strategy 2016.

7.16 A Habitat Regulations Appropriate Assessment is appended to this report. The Appropriate Assessment concludes that the proposal would adversely impact on the integrity of the SPA but that appropriate mitigation measures in the form of a per dwelling financial contribution have been put forward.

7.17 Under the permission reference 19/01777/FUL, the applicant has submitted two surveys in relation to bats. The reports recommended that a license would be required for the building work if the roost was to be affected. The Northamptonshire County Council Ecologist offered no objection subject to a condition requesting that the planning authority is provided with a licence from Natural England, written confirmation from Natural England or a statement from Natural England stating that they do not consider a licence necessary. It was confirmed under the condition discharge (ref: 20/01018/CND) that the mitigation measures including the Natural England Licence dated 1st October 2020 were considered acceptable and the condition was subsequently discharged subject to implementation.

7.18 The proposal is therefore considered to be in accordance with Policy 4 of the JCS.

Trees

7.19 The site contains a number of trees; some of which are to be removed primarily to allow for the creation of the upgraded access arrangement. A full hard and soft landscape scheme was submitted to discharge condition 8 of planning permission reference 19/01777/FUL under reference 20/01018/CND. It was confirmed that the landscaping scheme including tree removal, replacement and planting was acceptable. The landscaping and tree details will be conditioned as per the approved details.
Archeology

7.20 The Memorial Clinic was constructed between 1884 and 1899 as a private residence and retains a significant number of original features. A Historic Building Assessment was submitted with previous applications but not with this one; it indicated that these original features are intended to be retained. The significance of the building lies in its origins in the late 19th century industrial expansion of Rushden and its changing uses over time, as well as its historic fabric.

7.21 The NPPF, paragraph 199 says that the local planning authority should require the developer to record and advance understanding of the significance of heritage assets to be lost due to development. 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. The County Archaeological Officer therefore requested a condition under planning permission reference 19/01777/FUL to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation. This information was submitted and subsequently discharged under condition discharge reference 20/01018/CND).

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 Planning Obligations as requested under planning permission reference 19/01777/FUL - Northamptonshire County Council has not requested contributions toward education but has requested the sum of £2,397 for libraries and that fire hydrants are to be provided. The provision of fire hydrants would be secured via condition whilst the payment of £2,397 towards libraries would be secured via the Section 106 agreement.

8.3 Northamptonshire CCG’s / NHS are requesting a contribution from the developer towards increased primary health care capacity that is attributable to the population of the proposed new development. Based on the number of dwellings proposed the figure requested is £8,677.85. This contribution would be secured via the Section 106 agreement.

8.4 No other contributions have been requested, aside from the Special Protection Area mitigation payment. This payment was made under the previous application and can be carried forward for the purposes of the revised scheme (£3,772.16) subject to the completion of a deed of variation.

9 Conclusion / Planning Balance

9.1 In this instance the proposed variation to condition 2 (plans) to allow for the re-positioning of the bin store, additional parking space and addition of a brick wall complete with piers to the front of the site with a pedestrian gate and electronic vehicle gate is not considered to cause significant harm that would outweigh the economic, social and environmental benefits of the proposal, therefore given the current policy position, the proposed development is considered to be compliant with relevant national and local planning policy as:
• Is of an appropriate design
• Would not have a harmful impact upon the character and appearance of the area
• Would not have a significantly detrimental impact upon the amenity of any neighbours
• Would not have a harmful impact upon highways safety given the current situation on site
• Would be acceptable in terms of flood risk
• Would safeguard existing biodiversity
• There are no other material planning considerations which have a significant bearing on the determination of this application

10 Recommendation

10.1 Recommendation 1: If a satisfactory deed of variation to the section 106 legal agreement as confirmed under planning reference 19/01777/FUL which secures obligations as set out in this report is completed by 31st March 2021 (or other agreed date): GRANT planning permission subject to conditions.

10.2 Recommendation 2: If a satisfactory deed of variation to the section 106 legal agreement under planning reference 19/01777/FUL is not completed by 31st March 2021 (or other agreed date): Delegate to Head of Planning Services to REFUSE planning permission.

11. Conditions

1. The development hereby permitted shall be begun before 14th August 2023.

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 strictly in accordance with following plans received by the Local Planning Authority on 4th November 2019, 12th November 2019 & 5th October 2020:

- 1177/00/P1 - Site Location Plan
- 1177/010/P1 - Basement and Ground Floor (Existing)
- 1177/011/P1 – First Floor (Existing)
- 1177/012/P1 – Second Floor (Existing)
- 1177/110/P1 – Ground Floor (Proposed)
- 1177/111/P1 – First Floor (Proposed)
- 1177/112/P1 – Loft Floor (Proposed)
- 1177/113/P1 – Roof Plan (Proposed)
- 1177/030/P2 – Elevations (Existing)
- 1177/310/P2 – Elevations (Proposed)
- 019-129-200 Rev D – Site Plan (received 07.01.2021)

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

3. The Age Restricted Dwellings hereby permitted shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower and any dependent children.

Reason: To clarify the terms of this permission and because this tenure meets an identified need.
4. The development shall take place in accordance with the materials on plan reference 019-129-200 Rev D received by the Local Planning Authority on 8th December 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

5. The development shall be carried out in accordance with the levels as indicated on the plan reference 019-129-200 Rev D received by the Local Planning Authority on 8th December 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The development shall be implemented in accordance with the approved details.

**Reason:** In the interests of visual and residential amenity.

6. The development hereby permitted shall take place in accordance with the surface water management strategy as approved by the Northamptonshire County Council Lead Local Flood Authority in a letter dated 30th October 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The development shall be implemented in accordance with the approved details and maintained in perpetuity.

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

7. The development hereby permitted shall take place in accordance with archaeological information as approved by the Northamptonshire County Council Archaeology in a letter dated 25th September 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The development shall be implemented in accordance with the approved details.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 199.

8. The development hereby permitted shall take place in accordance with the hard and soft landscaping details received by the Local Planning Authority on 3rd December 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The development shall be implemented in accordance with the approved details.

For clarity the landscaping plan numbers are as follows:

- 7391.PP.10
- 7391.TPD.2.0
- 7391.TPD.2.1
- 7391.TPD.2.2
- 7391.LMP.001 (Landscape Management Plan)
- 7391.Land.Spec.001 (Specification for Landscape & Horticultural Works)

The works shall be carried out in the first planting season following the completion of the dwelling or occupation of the dwelling, whichever is the soonest, and shall thereafter be maintained in perpetuity.
Any trees or plants planted in connection with the approved soft landscape details which within a period of five years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species as those originally approved.

**Reason:** To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy 2016.

9. The development hereby permitted shall be carried out in accordance with the lighting details on plan reference 019-129-200 Rev D received by the Local Planning Authority on 8th December 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The development shall be implemented in accordance with the approved details with the approved lighting scheme maintained in perpetuity.

**Reason:** In the interests of crime prevention.

10. The development hereby permitted shall be carried out in accordance with bat mitigation measures (including a Natural England Licence dated 1st October 2020) as approved under condition discharge reference 20/01018/CND on 11th December 2020. The development shall be implemented in accordance with the approved details.

**Reason:** In order to safeguard protected species.

11. 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.

12. 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.

13. There shall be no contractor or delivery parking on the public highway at any time.

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

14. 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.
15. The development hereby permitted shall take place in accordance with the tree details received by the Local Planning Authority on 3rd December 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The development shall be implemented in accordance with the approved details.

For clarity the tree and landscaping plan numbers are as follows:

- 7391_PP.10
- 7391.TPD.2.0
- 7391.TPD.2.1
- 7391.TPD.2.2
- 7391.LMP.001 (Landscape Management Plan)
- 7391.Land.Spec.001 (Specification for Landscape & Horticultural Works)

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy 2016.

16. The development hereby permitted shall be carried out in accordance with plan reference 019-129-200 Rev D showing the location of the fire hydrant received by the Local Planning Authority on 8th December 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The fire hydrant, sprinkler systems and associated infrastructure is to be installed in accordance with fire officer recommendations and retained and maintained in perpetuity.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

17. Prior to first use or occupation, the proposed vehicular access including visibility splay plus the parking and turning facilities shall be provided and suitably hard surfaced in accordance with the approved plans. They shall thereafter be set aside and retained for those purposes.

Reason: In the interests of highway safety.

18. The development hereby permitted shall be carried out in accordance with plan reference 019-129-200 Rev D received on 8th December 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The drainage details approved are sufficient in preventing water discharge onto the public highway from the vehicular access. The drainage measures shall be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

19. The development, to include the electric car charging points hereby permitted shall be carried out in accordance with plan reference 019-129-200 Rev D received by the Local Planning Authority on 8th December 2020 and approved under condition discharge reference 20/01018/CND on 11th December 2020. The details are considered discharged subject to the implementation of the electric vehicle charging points. The charging points and the associated infrastructure shall thereafter be retained and maintained in perpetuity.

Reason: To ensure compliance with Policy T1 of the Rushden Neighbourhood Plan.
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.

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>19/01777/FUL &amp; 20/01244/VAR</th>
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<tbody>
<tr>
<td>Application address:</td>
<td>Rushden Memorial Clinic</td>
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<td>Hayway</td>
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<td></td>
<td>Rushden</td>
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<td>Northants</td>
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<td>NN10 6AG</td>
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<tr>
<td>Application description:</td>
<td>Conversion and extension to create 14 one and two bed flats for occupation by persons over 55 years of age, including communal parking and amenity spaces (resubmission of 19/00594/FUL)</td>
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<tr>
<td>Status of Application:</td>
<td>Recommending Approval</td>
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<tr>
<td>Proximity to SPA:</td>
<td>Within 3km</td>
</tr>
</tbody>
</table>

Lead Planning Officer: Peter Baish

Stage 1 - details of the plan or project

<table>
<thead>
<tr>
<th>European site potentially impacted by planning application, plan or project:</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the planning application, project or plan directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?</td>
<td>NO</td>
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<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>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</td>
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such development would have an adverse effect on the 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 is set out in the SPA SPD to avoid and mitigate likely significant effect on the Upper Nene Valley Gravel Pits SPA by securing financial contributions towards Strategic Access Management and Monitoring (Samm) and/or other suitable infrastructure. This would reduce the adverse impact of people visiting the SPA through specific measures and monitoring.

The applicant has made the relevant payment. This provides the necessary mitigation.

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. The applicant has made the relevant payment. This provides the necessary mitigation.

**Natural England Officer:**

**Summary of Natural England’s (NE) comments:**

*The proposal is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA), and therefore is expected to contribute to recreational disturbance impacts to the bird populations for which the SPA has been notified.*

*Mitigation for these impacts is available via a financial contribution towards a strategic mitigation project, set out within the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document. A mitigation strategy has been developed as a Supplementary Planning Document and identifies the required mitigation as a financial contribution of £269.44 per new dwelling within the 3km zone. This will contribute towards a package of Strategic Access Management and Monitoring to include fencing, screening and wardens to manage visitors within the SPA.*

*Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.*