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Meeting: North Northamptonshire Strategic Planning Committee

Date: Monday 15th May 2023

Time: 7:00 pm

Venue: Council Chamber, Corby Cube, George Street, Corby,

NN17 1QG

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https://www.youtube.com/c/DemocraticServicesNorthNorthantsCouncil

To members of the North Northamptonshire Strategic Planning Committee

Councillors North (Chair), Bell (Vice Chair), Best, Dalziel, Dearing, Marks, McEwan, Powell, Rielly, Smyth, Tebbutt, Waters

Substitute Members: Councillors, Jackson, Carter, O'Hara, Prentice, Keane, Fedorowycz, Lyn Buckingham and Anslow

	Agenda		
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04	Applications for planning permission, listed building consent and appeal information*		
	i) NN/22/00050/WASFUL Rothwell Lodge AD Facility, Rothwell Road, Kettering, Northamptonshire, NN16 8XF construction of additional feedstock storage, digester, pasteuriser, digestate storage tanks and installation of associated pipework and equipment, relocation of biogas upgrading equipment, propane tanks and associated infrastructure, increase waste throughput from 49,000 to 100,000 tonnes per annum, extension of waste reception building and installation of second feedstock line internally and replacement / upgrading of existing odour abatement systems.	Development Services	9 – 30

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	Land West Of Rushden Lakes, Ditchford Lane. Rushden Variation of conditions pursuant to 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).	Development Services	31 - 58
	Items to note		
05	Delegated Officers Report		
	None		
	Exempt Items		
06	None Notified		
07	Close of Meeting		
	Adele Wylie, Monitoring Officer North Northamptonshire Council		
	Proper Officer 4 th May 2023		

^{*}The reports on this agenda include summaries of representations that have been received in response to consultation under the Planning Acts and in accordance with the provisions in the Town and Country Planning (Development Management Procedure) Order 2015.

This agenda has been published by Democratic Services.

Committee Officer: Callum Galluzzo

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ITEM	NARRATIVE	DEADLINE
Members of	Members of the Public who live or work in the North Northamptonshire	12 Noon
the Public	council area may make statements in relation to reports on the public	Friday 12 th May
Agenda	part of this agenda. A request to address the Executive must be received	2023
Statements	2 clear working days prior to the meeting at	
	democraticservices@northnorthants.gov.uk	
	Each Member of the Public has a maximum of 3 minutes to address the	
	committee.	
Member	Other Members may make statements at meetings in relation to reports	12 Noon
Agenda on the agenda. A request to address the committee must be received 2 Statements clear working days prior to the meeting. The Member has a maximum of		Friday 12 th May
		2023
	3 minutes to address the committee. A period of 30 minutes (Chair's	
	Discretion) is allocated for Member Statements.	

If you wish to register to speak, please contact the committee administrator

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Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

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If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at — monitoringofficer@northnorthants.gov.uk

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Agenda Item 2



Minutes of a meeting of the Strategic Planning Committee

At 7.00 pm on Monday 24th April, 2023 in the Council Chamber, Corby Cube, George Street, Corby, NN17 1QG

Present:-

Members

Councillor Steven North (Chair)

Councillor Alison Dalziel Councillor Simon Rielly

Councillor Paul Marks Councillor Joseph John Smyth

Councillor Peter McEwan Councillor Charlie Best

Officers

Theresa Nicholl Development Services
Emma Granger Legal Representative
Callum Galluzzo Democratic Services

94 Apologies for non-attendance

Apologies for non-attendance were received from Councillors Paul Bell, Malcolm Waters, Roger Powell, Mark Dearing and Mike Tebbutt.

It was noted that Councillor Robin Carter was present as a substitute for Councillor Mike Tebbutt.

95 Minutes of the meeting held on on 5th April 2023

RESOLVED that the minutes of the meeting of the Strategic Planning

Committee held on 5th April 2023 be approved as a

correct record.

96 Members' Declarations of Interests

The chair asked members to declare any interests on items present on the agenda.

No declarations were made.

97 Applications for planning permission, listed building consent and appeal information*

The Committee considered the following application for planning permission, which were set out in the Development Control Officers Report and supplemented verbally and in writing at the meeting.

The reports included details of applications and, where applicable, results of statutory consultations and representations which had been received from interested bodies and individuals, and the Committee reached the following decisions:-.

Proposed Development

*4.1 Approval of Reserved Matters:
All details in respect of
KET/2016/0044 for up to 304
dwellings at Desborough (land to
south of), Rothwell Road,
Sycamore Drive, Desborough for
Bellway Homes Ltd

Application No: NK/2021/0372

Speaker:

None

Decision

Members received a report about a proposal for which approval of reserved matters was being sought for all details in respect of KET/2016/0044 for up to 304 dwellings.

The planning officer addressed the committee and provided an update which stated that a late objection had been received on Friday 21 April 2023 from the Protect the Ise Valley Campaign Group. The objection raised legal matters and Officers had not had sufficient time to fully consider the matters raised and therefore recommend to the Strategic Planning Committee that the item be deferred.

Members agreed that the application should be deferred and raised no objection in contrary to the officers amended recommendation to defer the application

Following debate it was proposed by Councillor Marks and seconded by Councillor Dalziel that the application be deferred in line with the officer's amended recommendation.

It was agreed that the application be **DEFERRED** subject to the following conditions:

(Members voted on the officers' recommendation to defer the application)

(Voting: Unanimous)

The application was therefore **DEFERRED**

99	Delegated Officers Report		
	None		
100	Exempt Items		
	None		
101	Close of Meeting		
	The meeting closed at 7.05 pm		
		Chair	
		Date	_





Strategic Planning Committee 15th May 2023

Application Reference	NN/22/00050/WASFUL
Case Officer	Martin Broderick
Location	Rothwell Lodge AD Facility, Rothwell Road, Kettering, Northamptonshire, NN16 8XF.
Development	The construction of additional feedstock storage, digester, pasteuriser, digestate storage tanks and installation of associated pipework and equipment, relocation of biogas upgrading equipment, propane tanks and associated infrastructure, increase waste throughput from 49,000 to 100,000 tonnes per annum, extension of waste reception building and installation of second feedstock line internally and replacement / upgrading of existing odour abatement systems at Rothwell Lodge AD Facility, Rothwell Road, Kettering, Northamptonshire, NN16 8XF.
Applicant	Fernbrook Bio Ltd
Agent	Mr Graeme Outridge Wiser Environmental
Ward	Rothwell and Mawsley
Overall Expiry Date	19 May 2023
Agreed Extension of Time	19 May 2023

Scheme of Delegation

This application is brought to committee because

• the relevant town council, Rothwell, has a material written objection.

1. Recommendation

1.1 That the application be APPROVED

2. The Proposal

2.1 Approval of Application: All details in respect of NN/22/00050/WASFUL for the applicant, Fernbrook Bio Ltd, to increase the throughput of biodegradable wastes from 49,000 to 100,000 tonnes per annum and improve the operational efficiency

of the facility to enable the production of biomethane and inject this into the national grid. Additional works are also planned to replace and upgrade worn out processing equipment and odour abatement systems to enhance environmental control and prevent odour nuisance from the enlarged facility. The proposed changes are summarised below:

- Increase throughput from 49,000 to 100,000 tonnes;
- Extension of the reception building and installation of second feedstock line;
- Relocation of biogas upgrading equipment, propane tanks and associated infrastructure;
- Installation of carbon dioxide recovery apparatus and associated infrastructure;
- Replacement of reception building odour abatement system with extraction, carbon filtration and single exhaust stack, 12 m high (proposed);
- Installation of odour abatement system for all other AD process areas with single exhaust stack, 12 m high (proposed);
- 1 new feed hopper (for crop handling only, 80 m3);
- 2 new Buffer tanks (diameter 9.31 m, gross volume 535 m3);
- 1 new Pasteurisation system;
- 2 new Digesters (diameter 28.41 m, gross volume 5,578 m3);
- 1 new Digestate Storage tank (diameter 20.48 m, gross volume 5,096 m3);
- 1 new potable water storage tank (100 m3);
- 1 new Liquid Storage tank (diameter 9.31 m, gross volume 535 m3); and
- Installation and modification of ancillary pipework and infrastructure.
- 2.2 The application site is an Anaerobic Digestion (AD) facility that has been operating since October 2010. It is accessed from Junction 5 of the A14 at the Rothwell Lodge Farm 'clover leaf' junction. The site can be accessed from both the east and west bound carriageways of the A14. The site generates renewable energy and produces a digestate which meets an industry specification (PAS110) which recognises that the digestate produced is a consistent quality and is fit for purpose.
- 2.3 The Anaerobic Digestion Plant was granted planning permission in October 2009 (09/00033/WAS) and has been operational since then.

3. Site Description

3.1 The site itself currently features a purpose-built building along with two digester tanks, two pre storage tanks, one feedstock buffer tank, and one digestate storage tank. There is impermeable bunding around the existing tanks and extensive hardstanding to the frontage of the building to allow for the manoeuvring of HGV's.

- Additional planting to the boundary of the site has been introduced to improve the setting of the site.
- 3.2 The site is located at Rothwell Lodge Farm, Rothwell Road, Kettering, Northamptonshire, NN16 8XF, at NGR SP 82389 80138 (Figure 1). Lying approximately 600 m south of Rothwell, 1.1 km northwest of Thorpe Malsor, 1.3 km north east of Loddington, and 1.5 km northeast of Orton. The nearest property is Rothwell Lodge Farm which is adjacent to the site. The surrounding area is predominantly agricultural land. The site is adjacent to the A14 and on the opposite side of the carriageway are a service area, fast food restaurant and Rothwell Lodge Cottages. The southern edge of the urban settlement of Rothwell is located approximately 500 metres further north.



Figure 1 Aerial View of Application Site with Red Line Boundary

4. Relevant Planning History

- 4.1 Below is a summary of the recent planning history for Fernbrook Bio Limited:
 - 09/00033/WAS Anaerobic Digestion Plant and associated hard surfacing and landscaping approved on 22 October 2009
 - **10/00076/WAS** Variation of planning permission 09/00033/WAS to remove condition 16 (Highway Safety and Access) approved on 26 January 2011

- 11/00066/WAS Erection of new digester tank and plastics recycling building approved on 16 December 2011
- 11/00067/WAS Variation of planning permission 10/00076/WAS to increase total annual throughput to 49,000 tonnes per annum approved on 16 December 2011
- 13/00052/WASFUL Installation of additional de-sulphurization tank approved on 19 July 2013
- **14/00015/WASVOC** Removal of Condition 23 (waste catchment area) on planning permission 11/00067/WAS refused on 10 June 2014
- **14/00068/WASVOC** Variation of Condition 23 (Waste Catchment Area) on Planning Permission 11/00067/WAS approved on 13 November 2011
- 20/00063/WASFUL Construction of biogas scrubbing columns, gas clean-up container, compressor, distribution kiosk, propane tanks, grid entry unit and export pipeline to grid at Fernbrook Bio Limited, Rothwell Road, Kettering, Northamptonshire, NN16 8XF approved on 10 February 2021.

5. Consultation Responses

5.1 The following is a summary of the responses received during the consultation on this application:

North Northamptonshire Council (Environmental Health)

No objection.

Environment Agency (EA)

No objection subject to condition.

Cadent Gas

No response has been received.

Northamptonshire Fire & Rescue Service (NFRS)

No response has been received.

Natural England

No objection subject to conditions.

<u>Historic England</u>

No objection.

National Highways

No objection.

Local Highway Authority (LHA)

No objection to the proposed development but requested that the Waste Planning Authority consider the following points:

"In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations: -

Observations:

- 1. The views of National Highways should be sought owing to the proximity of the site to the A14 with respect to safety/capacity.
- 2. EV Parking if deemed necessary should be supplied at 10% of the parking spaces with infrastructure in place to retrofit the remaining spaces in the future."

Rothwell Town Council

Objection to the proposed development:

"Rothwell are very much against the expansion of Fernbrook Bio and do object to the application submitted. As a town, we experience ongoing odour issues that to date have not been rectified despite raising these on several occasions. Last summer we received several resident complaints of this nature, I copy one for your information below:

Yet again, the absolutely disgusting stench from Fernbrook Bio next to the A14 at Rothwell has ruined much of our spring and summer. It continues to be a problem as we head into autumn. At the worst times, the stench has left us feeling physically sick. I think I'm right in saying the council has voiced serious concerns on behalf of local residents in the past. Surely the time is right to step up protests to the Environment Agency. If it transpires that the stink is "compliant", then something is seriously wrong with the compliance criteria. The town shouldn't have to put up with this".

Thorpe Malsor Parish Council

No objection to the proposed development but have the following concerns:

"Thorpe Malsor Parish Council wish to register two concerns in relation to the above application.

1. Risk of Toxic Spills & Pollution of Thorpe Malsor Reservoir

Thorpe Malsor Reservoir is located downhill of the existing AD facility and approximately 500 meters from the site. The Council is concerned that the doubling of throughput at the site will further increase the risk of pollution to the

reservoir. This is a sensitive and important wildlife habitat and water from the reservoir flows into Slade Brook and on into the River Ise.

The Environment Agency reports that there are rising incidents of serious pollution due to spillages and the leakage of phosphates occurring from anaerobic digesters. If allowed to enter a water course this leads to outbreaks of blue-green algae, a bacteria that is highly toxic to plants, fish, animals and birds.

Thorpe Malsor reservoir suffered such an outbreak in early 2017 and we understand that a scientific advisor to the Environment Agency considered it highly likely that this site was the source of the pollution. This would seem to be confirmed by a published case study of Fernbrook Bio carried out by ONM Energy, which includes the following:

Background

Whites Generation Ltd (WGL) bought Fernbrook Bio in 2016. In 2017, one of the plant digesters suffered an over-pressure event; and in 2019, there was a biological issue linked to feedstock. As a consequence, the performance of the plant had been variable ever since. WGL had invested significantly to increase the front-end processing capability and but then were in need of assistance in delivering consistent performance.

The full page can currently be viewed online via this link. An over-pressure event such as described can cause a flooding of digestate on site which will spread to nearby land if the flood is not properly contained.

The parish council is concerned that such 'events' will recur. In view of the very close proximity of Thorpe Malsor Reservoir to the site, we believe the environmental impact of digestate spillages should be fully evaluated before permission is given to double throughput.

2. Unpleasant Odours

Residents of the village quite regularly experience unpleasant odours which originate from the site. We understand that a number of factors can influence the odour emitted during the anaerobic digestion process, including the type of feedstock going into the facility and how feedstock and digestate are stored and disposed of. We note that the application includes replacement and/or upgrading of the existing odour abatement systems. We request that the planners ensure that the odour control solutions are robust and sufficient to prevent the escape of these highly unpleasant smells which are causing considerable nuisance."

Loddington Parish Council

Has some concerns regarding the extension of this plant:

"Whilst LPC have concerns about odour and increased vehicle movements, we do not believe they would be deemed significant material planning considerations.

- It is claimed that more effective infrastructure on site will address the intensity, offensiveness and duration of odour.
- An increase in vehicle movements from 36 to 68 per day is unlikely to be considered to have "a severe cumulative impact on the local highway network".

The Planning Statement talks about "Demonstrating market need [for waste processing] in Northamptonshire", however LPC are not aware of any intention by NNC to extend separate food waste collections to the Kettering, Corby and Wellingborough areas (East Northants is the only district in North Northants that currently has food waste collections). Therefore, the additional waste will certainly (in the short term at least) be coming from outside the North Northants area."

Public Advertisement and Neighbour Notification

The application was advertised by the posting of a site notice and a press notice in a locally circulating newspaper on the 15 November 2022. A representation has been received in response to these from a Thorpe Malsor resident. They had concerns about the environmental safety of Fernbrook and brought to our attention "a major environmental incident" that happened in January 2017 at Thorpe Malsor Reservoir which is located just 680 m down below the digester.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. However, note that this is an application for approval of reserved matters and not in itself an application for planning permission.

6.2 National Policy

National Planning Policy Framework (NPPF)

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and the National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The National Planning Policy Framework (NPPF), most recently revised in July 2021, sets out the Government's planning policies for England and how these are expected to be applied. National policy statements form part of the overall framework of national planning policy and are a material planning consideration in decisions on planning applications. A fundamental element of the NPPF establishes a presumption in favour of sustainable development; for decision taking, this means that proposals for development that accords with the development plan shall be approved without delay and those which conflict should be refused.

National Planning Policy for Waste (NPPW)

National Planning for Waste was issued in October 2014 replacing Planning Policy Statement 10 (PPS10 - Planning for Sustainable Waste Management). This document sets out detailed waste planning policies. Reference is made to this policy document in the assessment section of this report.

6.3 Northamptonshire Minerals and Waste Local Plan (Adopted July 2017)

Policy 10	Northamptonshire's Waste Management Capacity
Policy 11	Spatial Strategy for Waste Management
Policy 12	Development Criteria for Waste Management Facilities
Policy 18	Addressing the Impact of Proposed Minerals and Waste Development
Policy 19	Encouraging Sustainable Transport
Policy 21	Landscape Character
Policy 23	Layout and Design Quality

6.4 North Northamptonshire Joint Core Strategy 2011-2031

This adopted strategy has a specific section on encouraging renewable and low carbon energy. The Plan area is encouraged to be more self-sufficient and resilient in meeting its own energy requirements from renewable sources. Policy 26 applies specifically to renewable energy development proposals.

7. Evaluation

7.1 The main issues to consider in determining this application are:

- Whether the proposals accord with the Northamptonshire Minerals and Waste Local Plan, National Planning Policy Framework; and National Planning Policy for Waste
- ii. Whether there are any general matters, access and highway safety or amenity matters e.g. odour, noise, which would be significant and would justify refusing the application.

7.2 Policy Context

National Planning Policy Framework

- 7.2.1 Support for the proposed development can be found in paragraph 8 (c) of the NPPF which states that a key part of achieving sustainable development is "mitigating and adapting to climate change, including moving to a low carbon economy." The NPPF defines low carbon technologies as those that can help reduce emissions (compared to conventional use of fossil fuels). In addition, Paragraph 158 of the NPPF states that, when determining planning applications for renewable and low carbon development, local planning authorities should:
 - "a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable."
- 7.2.2 The proposed development would directly assist National Grid in balancing the supply and demand of energy and supporting the move towards a low-carbon future, in accordance with a key aim of the National Planning Policy Framework.
- 7.2.3 The NPPF establishes a presumption in favour of sustainable development. For decision taking, this means that proposals for development that accords with the development plan shall be approved without delay, and development that conflicts should be refused unless material considerations indicate otherwise.

 National Planning Policy for Waste
- 7.2.4 The National Planning Policy for Waste (NPPW) was published in October 2014. The NPPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. This includes the delivery of sustainable development and helping to secure the re-use, recovery or disposal of waste in line with the principles of the waste hierarchy without endangering human health or harming the environment. The NPPW forms part of the overall national planning policy, and is a material planning consideration in decisions on waste related planning applications.
- 7.2.5 The NPPW states that Waste Planning Authorities (WPA) should only expect applicants to demonstrate a quantitative or market need for waste management facilities where they are not consistent with an up-to-date Local Plan. The NPPW also requires the WPA to consider the environmental and amenity impacts, and concern themselves with implementing the planning strategy in the Local Plan and not with control of processes which are a matter for the pollution control authorities. Waste Planning Authorities should work on the assumption that relevant pollution control regime will be properly applied and enforced.

Northamptonshire Minerals and Waste Local Plan

- 7.2.6 In terms of compliance with the Northamptonshire Minerals and Waste Local Plan (MWLP), Policies 10 and 11 deal with the development of a sustainable network of waste management facilities able to meet the future waste capacity requirements and be appropriate for their location. These objectives are further supported by Policy 12 of the MWLP. Policy 11 explicitly defines Kettering as part of the "Central Spine" for the location of waste management facilities (Plan 5 of MWLP). The proposed development is located within the site boundary of the existing permitted waste facility which contributes to the existing waste management capacity in the county. The proposed expansion and redevelopment of an existing waste management facility accords with both Local and National Planning Policies and provides additional waste treatment capacity within the County, to improve local resilience, and mitigate for the predicted shortfall in waste treatment capacity from 2023 onwards as more food waste is separately collected and biodegradable waste becomes prohibited from disposal to landfill in the coming years. The capacity of the facility is doubling but the catchment area will remain the same (Condition 12). The annual report required by condition 13 shall incorporate such records that demonstrate compliance with the approved catchment area plan.
- 7.2.7 In 2018, Northamptonshire produced around 2 million tonnes per annum of various waste types, including: 364,000 tonnes of municipal waste (18%); 426,000 tonnes of commercial and industrial (C&I) waste (20%); 1,257,000 tonnes of construction, demolition and excavation (CD&E) waste (60%); and 34,000 tonnes of hazardous waste (2%). Forecasts indicate that waste arisings could increase to 2,392,000 tpa by 2040¹. It is also worth noting that some 637,000 tonnes were exported to other authorities due to the current capacity gap for reuse, recycling and disposal across the county.
- 7.2.8 The review published in December 2020, identified capacity gaps for treatment and energy recovery (including anaerobic digestion) from 2023 onwards and up to 350,000 tpa by 2040.
- 7.2.9 Within the next 5 years, it is expected that the disposal of biodegradable waste to landfill will effectively be prohibited and mandatory food waste collections will be operated nationwide. This will significantly increase the amount of food waste and other organic wastes requiring treatment rather than disposal, and anaerobic digestion has been nominated as the preferred treatment option.
- 7.2.10 The proposed expansion of the existing AD facility at Rothwell Lodge Farm seeks to address the expected shortfall in regional treatment capacity for biodegradable waste in the next decade, whilst also producing biomethane which can be used as a direct replacement for natural gas, contributing towards decarbonising both heat and transport sectors and reducing carbon dioxide emissions nationally.
- 7.2.11 The proposal also promotes the sustainable production of biomethane which will encourage the use of alternatively fuelled vehicles and the subsequent reduction in emissions, particularly from HGVs, located at the nearby logistics hubs in Kettering, Corby & Northampton.

¹ Waste Needs Assessment, Northamptonshire County Council (December 2020)

7.2.12 The capture and recovery of carbon dioxide during the gas upgrading process will significantly reduce greenhouse gas emissions from the expanded facility and resultant emissions to air from the AD process. The production of renewable carbon dioxide is a valuable by-product and provides a sustainable alternative to fossil-fuel derived sources (mainly from energy-intensive fertiliser production) for the soft drinks sector and food processing industries. The principle of the development is considered acceptable having regard to Policies 10, 11, 12 and 19 of the MWLP.

Landscape & Visual Amenity

- 7.2.13 Policy 18 of the MWLP seeks to ensure that all new proposals for waste development must demonstrate that consideration has been given to minimising environmental impacts wherever possible and providing suitable mitigation when this is not possible. In terms of the potential landscape and visual impact of the proposed development, the applicant carried out a Landscape & Visual Appraisal (LVA) comprising of a desk study, site visit and subsequent appraisal. The LVA considered the baseline context by way of a Site description, review of existing landscape character assessments at the appropriate district scale and consideration of the likely visibility of the Site proposals through Site assessment and the selection of Representative viewpoints. The assessment considered the following:
 - the loss to landscape and built features, and the perceived change to the extent and character of the landscape resulting from the proposed development;
 - the effect of the proposed development on landscape/visually related designations; and
 - the extent to which the proposed development would be visible, the resulting change in the nature of the view, and how this would affect visual receptors.
- 7.2.14 The Assessment concluded that the proposals would cause a Moderate significance of effect to visual receptors effect at Year 1 to some site features and a Negligible effect to the landscape character at Year 1. The nature of the effects at Year 1 would ameliorate to neutral and for vegetation change to beneficial effects by Year 15 as the landscape proposals establish and assimilate the built forms into the setting.
- 7.2.15 Whilst it is acknowledged that the proposed development will have some landscape and visual impact, this will be limited and on balance, considered acceptable given the site's location, existing buildings and plant within the AD facility and those nearby, existing topography and the existing mature landscaping scheme for the site. Overall, it is considered that the landscape and visual amenity impact of the proposed development is acceptable having regard to Policies 18, 21 and 23 of the MWLP.

Traffic/Highways Impact

- 7.2.16 Policy 18 of the MWLP requires that proposals for waste development should demonstrate that access is sustainable, safe and environmentally acceptable and that local amenity is protected. This is further supported by Policy 19 of the MWLP which also seeks to minimise the transport movements associated with waste development. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.2.17 The applicant has undertaken a Transport Assessment to set out the existing and projected trip generation associated with the site and to analyse the impact of the proposed development on the wider highway network.
- 7.2.18 Whilst the proposed development will certainly intensify activity at the site, the overall level of traffic associated with the premises will remain modest in relative terms and the overall level of traffic following development will remain minimal in the context of the existing traffic flows on the A14 road, which is the sole means of vehicular access and egress to the site.
- 7.2.19 The Assessment concludes that the proposed development will not have a severe cumulative impact on the local highway network, and that the development will not impact highway safety in the locality.
- 7.2.20 The Highway Authority i.e. Highways England, has not raised any objection to the proposed development on traffic or highway safety grounds.. The Local Highway Authority (LHA) raised no objection but requested that the Waste Planning Authority consider:
 - "EV Parking if deemed necessary should be supplied at 10% of the parking spaces with infrastructure in place to retrofit the remaining spaces in the future."
- 7.2.21 Given the level of works being proposed, the use of a planning condition (Condition 4) to ensure this is considered to be reasonable in this instance. Therefore, the proposed development is therefore considered acceptable having regard to Policies 18 and 19 of the MWLP.
- 7.3 Water Quality and Flood Risk Management
- 7.3.1 The site is located within Flood Zone 1 and the probability of flooding at the site is regarded as low. The site is located over a Secondary Aquifer but not within a Source Protection Zone. The closest surface water course is the Slade Brook, approximately 500 m to the north of the site. Thorpe Malsor Reservoir is approximately 500 m to the south.

- 7.3.2 The whole site is underlain by an impermeable barrier with an engineered bund surrounding the perimeter, that provides secondary containment for all the storage tanks. Only clean, uncontaminated roof water is permitted to be discharged via soakaway from the facility.
- 7.3.3 The EA had no objection subject to a condition. Therefore, the proposed development is therefore considered acceptable having regard to Policy 18 of the MWLP.

7.4 <u>Biodiversity</u>

- 7.4.1 A Preliminary Ecological Appraisal was undertaken, comprising a desk study, Phase 1 Habitat survey, badger survey and an assessment of the potential of site features to support bats, together with an assessment of impacts at Fernbrook AD Plant, Kettering.
- 7.4.2 The report identified habitats of moderate to high ecological value included the hedgerow and plantation woodland/scrub. Value of the habitats within site are considered Lower at the Parish scale. Proposed mitigation measures will ensure the impact will be Neutral.
- 7.4.3 Common breeding bird species are likely to use the above habitats for nesting and foraging. It is considered that the value of the site to breeding birds is Lower at the Parish scale. Proposed mitigation measures will ensure the impact will be Neutral.
- 7.4.4 One active outlier badger sett is located in the vicinity of the site. Two dung pits were found in the vicinity. The sett is not impacted by the works, nor will badger foraging habits be disturbed. The value of the site for badgers is considered Lower at the Parish scale. Proposed mitigation measures will ensure the impact will be Neutral.
- 7.4.5 Common bat species are likely to use abovementioned habitats for commuting and foraging purposes. The value of the site for this group is considered Lower at the Parish scale. Proposed mitigation measures will ensure the impact will be Neutral.
- 7.4.6 Natural England had no objection subject to conditions. Therefore, the proposed development is therefore considered acceptable having regard to Policy 18 of the MWLP.

7.5 Amenity Impacts

7.5.1 Policy 18 of the MWLP requires that proposals for waste development should demonstrate that any impacts associated with it have been addressed to ensure that the environment and local amenity are protected. This includes matters such as noise and odour.

Noise

- 7.5.2 An Acoustic Assessment of the proposed development at the AD facility has been undertaken to determine the predicted impacts on nearby residents. The assessment considered the discrete impact of the new plant operations at the site. Predictive modelling carried out estimated that the increase in overall emissions from site at the nearest receptors would be less than 1 dB and therefore not significant. It recommended the:
 - Placement of fixed plant (e.g. pumps) to the north and west of the tanks so that they reduce plant emissions for nearest residents; and
 - Installation of a 3-sided enclosure surrounding the gas upgrading unit (GUU) opening to the north-west which consists of a chiller, blower, inlet and exhaust. It should extend at least 1 metre above the height of the highest of those 4 items and the returns should continue at least one metre past the furthest item.
- 7.5.3 The noise levels from the proposed development would be within recommended noise levels and therefore unlikely to create any adverse impact as regards noise. The noise mitigation measures that are proposed in the submitted plant noise assessment will be implemented and retained. This has been secured through the imposition of an appropriately worded planning condition. Therefore, the proposed development is therefore considered acceptable having regard to Policy 18 of the MWLP.

Odour

- 7.5.4 In terms of potential odour impact, the applicant acknowledges in their supporting planning statement that the nature of the feedstock for the anaerobic digestion (AD) facility has the potential to cause odour nuisance and this has occurred in the past.
- 7.5.5 An Air Quality Assessment was undertaken to identify the scale and nature of emissions from the proposed development, describing the impact on people and the surrounding environment and any proposed measures that will minimise the identified impacts. The methodology and structure of this report has considered guidance from the Institute of Air Quality Management (IAQM) in relation to air quality, dust & odour.
- 7.5.6 Odour emissions will be subject to the same restrictions currently enforced on site whilst existing abatement systems are to be modernised and improved in line with the proposed design, so it is reasonable to assume that the current level of risk shall be reduced.
- 7.5.7 The potential impact from the increase in annual throughput, construction of the proposed development and the consideration of odour on site lead to a conclusion that the proposed development is unlikely to have a significant impact.
- 7.5.8 However, we consider through the conditions/controls on the facility's planning permission and the fine tuning of the facility's air filtration settings, the proposed

operation is much less likely to cause odour issues. Rothwell Town Council did raise an objection on the grounds of odour nuisance, citing previous cases of odour nuisance. It should be noted that the Environment Agency, have not raised any concerns or objections on the grounds of odour. The AD facility already operates under an Environmental Permit (EPR/3894SC) and an application to vary this to enable the requested changes has already been submitted to the Environment Agency.

7.5.9 Given the proposed development and existing controls through both the existing planning permission and Environmental Permit, the Waste Planning Authority (WPA) considers that alongside the proposed noise mitigation that can be secured through the imposition of an appropriately worded planning condition, the proposed development is therefore considered acceptable having regard to Policy 18 of the MWLP.

7.6 Other Matters

7.6.1 During the consultation on the current planning application, Thorpe Malsor Parish Council and an interested party raised concerns regarding a pollution incident at Thorpe Malsor reservoir in 2017. It should be noted that the Environment Agency, have not raised any concerns or objections regarding this incident.

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8. Conclusion / Planning Balance

- 8.1 The Fernbrook Bio AD Facility is an existing committed and operational site and the principle of the proposed development is considered to be acceptable in accordance with Policies of the NPPF, MWLP and the NPPW. The proposed development will allow a more efficient and beneficial use to be made of the existing biogas which the AD plant generates and will be a significant contribution to renewable energy which can be used for heating purposes rather than electricity generation. Also, it will enable the operator to improve operational and environmental management of the site.
- 8.2 There has been an objection raised to the application by Rothwell Town Council on the grounds of odour nuisance. On balance it is not considered there is any significant landscape, visual or general amenity impact e.g. odour, which would justify refusal of the application. Therefore, the proposed development is considered to be acceptable having regard to Policies 10, 11, 12, 18, 19, 21 and 23 of the MWLP, and it is recommended that planning permission be granted, subject to the planning conditions set out in Section 7 of this report.

9. Recommendation

9.1 APPROVED subject to the following Condition(s):-

10. Conditions

Commencement and Compliance

1. The development hereby permitted shall be begun before the expiry of **THREE YEARS** from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

Scope of the Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents:

Planning Documents & Technical Reports

K114.1_08_001 Planning Statement FINAL 2022 11 28	Planning Statement	K114.1~08~001
App A - K114.1_08_002 AQA Final 2022 11 28	Appendix A – Air Quality Assessment	K114.1~08~002
B22098 Fernbrook AD Plant Kettering_LVA_ISSUE_17 NOV 2022	Appendix B – Landscape & Visual Appraisal	B22098 LVA
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 1 Methodology	Appendix B1 – Methodology	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 2 Figures	Appendix B2 – Figures	Figures 1 – 8
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints	Appendix B3 – Viewpoints	

B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part1	Appendix B4 – Viewpoints (Part 1)	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part2	Appendix B5 – Viewpoints (Part 2)	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part3	Appendix B6 – Viewpoints (Part 3)	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part4	Appendix B7 – Viewpoints (Part 4)	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part5	Appendix B8 – Viewpoints (Part 5)	
App C - 303974 Transport Statement 011122	Appendix C – Transport Assessment	303974
App D - B22098 Fernbrook PEA 2022-10- 06	Appendix D – Preliminary Ecological Appraisal	B22098 PEA
App E - Noise Assessment 18290	Appendix E – Noise Assessment	18290
Drawings		
B22098.101 Landscape Proposals	Landscape Proposals	B22098.101
K114.1_20_011 Site Location Plan Rev B 2022 11 17	Site Location Plan Planning Boundary Plan	K114.1~20~011 K114.1~20~010

A102 - Proposed Elevations	Proposed Elevations	A102
A103 - Proposed Elevations	Proposed Elevations	A103
222-022-LG-ANSI-01-c	Piping Plan - Sketch	222-022-RO- ANGES-01
222-022-LG-ANGES-01	Schematic Drawing	222-022-LG- ANGES-01

Indicative Catchment Area plan (Isochrone NN16 8XF) e mailed to applicant dated 15 March 2013

Reason: To define the scope of the permission and in the interests of clarity...

Noise

3. The proposed development shall be installed and operated in strict accordance with the recommendations as detailed in section 3.0 of the submitted Plant Noise Assessment, ref. SS/J3685/18290 , prepared by Acoustic Associates dated October 2022.

Reason: In the interests of amenity protection having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Electric Vehicle Charging

EV Parking if deemed necessary should be supplied at 10% of the parking spaces with infrastructure in place to retrofit the remaining spaces in the future.
 Reason: To future proof the site in line with Policies 18 and 19 of the Northamptonshire Minerals and Waste Local Plan (2017).

Layout of Plant

5. The new fixed plant associated with the operations of the silos should be placed on the north and west of the silos so that the silos themselves reduce plant emissions to the nearest residents.

Reason: To protect the amenity of sensitive receptors in line with Policies 18 and 23 of the Northamptonshire Minerals and Waste Local Plan (2017).

Surface and Foul Water

6. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason The Ise river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of local water bodies because it would result in the release of sewage and/or contaminated surface water. This would be in conformance with Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Landscape

7. The landscape scheme required through this application should ensure the use of species native to England and have a visual benefit of screening the development. Preference should be given to pollinator species of shrubs/low level planting where this is proposed.

Reason: To conform with Policies 18 and 21 of the Northamptonshire Minerals and Waste Local Plan (2017).

Odour Complaints

8. Odour emissions will be subject to the same restrictions currently enforced on site whilst existing abstraction systems are to be modernised and improved in line with the proposed design (Environmental Permit at the site reference EPR/EP3894SC). Odour will be managed in accordance with the approved Odour Management Plan (K114.1~09~013 v4) and the control measures identified within the documented management system. In the event that complaints regarding odour are received by the Local Planning Authority from any sensitive receptor, and thereafter notified to the operator, an assessment of the complaint shall be undertaken by the operator. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures and works to be undertaken shall be submitted to the Local Planning Authority no later than ten working days from the receipt of the complaint, unless a later date is otherwise agreed in writing by the Local Planning Authority. Reason: The protection of sensitive receptors amenity in conformance with Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Highways/Mud on the Road

9. During the construction phase of the development, all operational vehicles leaving the site shall be cleansed to ensure they are free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

Reason: In the interests of highway safety and local amenity having regard to Policies 18 and 19 of the Northamptonshire Minerals and Waste Local Plan (2017).

Biodiversity

10. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. **Reason:** To conform with Policy 18 of the Northamptonshire Minerals and Waste

Local Plan (2017) and protect biodiversity.

Badger Survey

11. A pre-commencement badger survey should be undertaken prior to the construction phase to ascertain the current level of badger activity at site. If any new setts are found during this time and are within 20m of the working area, a badger mitigation strategy will be required and a Natural England badger licence to destroy or damage a sett will need to be sought prior to any ground works.

Reason: For the protection of badgers in conformance with Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Catchment Area

12. All waste materials to be processed on the site shall originate from locations within the area shown on the Indicative Catchment Area plan (Isochrone NN16 8XF) e mailed to applicant dated 15 March 2013, or other sub-regional catchment plan as may be submitted and approved in writing by the Waste Planning Authority. The annual report required by condition 13 shall incorporate such records that demonstrate compliance with the approved catchment area plan.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability having regard to Policies 18 and 19 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and to enable the Waste Planning Authority (WPA) to monitor progress towards achieving the principles in Development and Implementation Principles Supplementary Planning Document (September 2011).

Monitoring

13. The Operating Company shall submit an annual report to the WPA within one month of the first anniversary of commencing and at 12 monthly intervals thereafter. The report shall include detailed information on the types, quantities and sources of all waste materials brought on to the site and taken off the site, including records that demonstrate compliance with the limit on imported waste, 100,000 tonnes per annum, and the indicative catchment area plan (Condition 12). The information

required by this condition shall also be supplied at any other time on request by the WPA.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability having regard to Policies 18 and 19 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and to enable the Waste Planning Authority to monitor progress towards achieving the principles in Development and Implementation Principles Supplementary Planning Document (September 2011).





Strategic Planning Committee 15th May 2023

Application Reference	22/01142/VAR
Case Officer	Amie Baxter
Location	Land West Of Rushden Lakes Ditchford Lane Rushden
Development	Variation of conditions pursuant to 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). Condition Number(s): Condition 4 - approved plans Condition 6 - reserved matters pursuant to Parameter plan and Design and Access Statement Condition 10 - retailers square footage Condition 11 - retailers square footage Condition 12 - Use of unit 6A Condition 14 - no amalgamation of units
	Condition 17 - Flood Risk Assessment
	Condition 25 - Drainage
Applicant	Shoemaker GP Ltd
Agent	Quod - Mr Matthew Sherwood
Ward	Rushden Pemberton West Ward

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.
- 1.2 That planning permission be GRANTED subject to conditions and the completion of a Deed of Variation to the s106 agreement serving the original consent by 25th November 2023 (or other date to be agreed).

2. The Proposal and Brief Site History

- 2.1 This current application seeks planning permission for a variation to the scheme previously approved under planning reference: 19/01092/FUL. Before assessing the merits of this application, there are two original applications to take note of first.
- 2.2 The first relevant application,19/01092/FUL, was a hybrid application for a mixed-use development with part of the application being proposed for the approval of full details and the remaining element proposed in outline.
- 2.3 The full details element of the scheme proposed the erection of retail and restaurant units, office and leisure floorspace and ancillary storage, together with a proposal for an additional vehicle access off Ditchford Lane, footpaths, parking and servicing space, landscaping and drainage.
- 2.4 The outline element of the scheme was for the erection of employment units, with layout, scale and appearance reserved for later consideration. The development would include, and would be served by a new link road (which would also include a shared foot and cycle path) between Ditchford Lane and Rushden Lakes. This site is known as 'Rushden Living'.
- 2.5 The application (19/01092/FUL) was approved by the East Area Planning Management Committee on 23.03.2020 subject to conditions and a s106 agreement. Members are referred only to the link road element of this previously approved application for the purposes of considering the current application before you.
- 2.6 The second application to be aware of is a standalone application under reference: 20/00534/FUL. This application was purely for a link road from Ditchford Road into the Rushden Living site. The link road proposed in this 2020 application would perform the same function as the link road approved in the 2019 application noted above but had a different layout. The layout of the 2020 link road was considered to be better as it:
 - provides a more effective transition between the link road and its interface with Rushden Lakes;
 - improves traffic circulation along the link road and within Rushden Lakes and enhances connectivity and legibility within and beyond the Site;
 - provides separate access to Rushden Lakes for service vehicles; and enhances the road's soft landscaping proposals.

 Further improvement upon the previous permission is that there would be a pedestrian link to the neighbouring filling station and hotel site to the south.

The link road also involves alterations to Ditchford Road and off-site works to the 45 east slip road, to improve access to the application site and movement on the local road network.

- 2.7 The revised link road layout was approved by Members of the East Area Planning Management Committee in March 2021
- 2.8 So, at this point, there are two approved applications which show two different link road layouts and each with a slightly different red lined sit boundary. In order to consolidate the two schemes, bearing in mind that all of the details within the two schemes have already been approved, the applicant proposes to incorporate the new link road layout within the original and 'main' planning application.
- 2.9 To do this, the application has submitted the S73 variation application currently being considered so that the plans showing the old link road layout can be substituted with plans showing the new link road layout. There are no changes proposed to the floor space, position or design of any of the proposed units or the number of car parking spaces.

3. Site Description

- 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 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. Also to the north is the Ditchford Local Wildlife Site (LWS).

4. Relevant Planning History

4.1 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 Permissions

- 4.2 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 08.02.19.
- 4.3 20/00534/FUL 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.

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Reconfiguration of existing car parking and Service Yard areas and the temporary storage of excavated material for a period of up to five years – PERMITTED 17.02.2021

"Rushden Living" Permission

4.4 19/01092/FUL - Hybrid application comprising: A full application for the erection retail units. restaurant units. office floorspace, of 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

- 4.5 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.
- 4.6 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.
- 4.7 20/00534/FUL 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

A45 / Ditchford Lane Permission

- 4.8 Works are already proposed to the A45/A5001 Ditchford Lane interchange as part of the Stanton Cross development at Wellingborough. Part of these works fell within former East Northamptonshire's district and were assessed under the following application:
- 4.9 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.

5. Consultation Responses

5.1 Rushden Town Council

No objection

5.2 <u>Irthlingborough Town Council</u>

No objection as long as the requests from the Wildlife Trust are accommodated. Irthlingborough Town Council would like Planning to consider renegotiating the S106 agreement outlined in the Planning Permission conditions of Planning Application 19/01092/FUL with a view to including a provision for Irthlingborough Town Council.

5.3 <u>Higham Ferrers Town Council</u>

No objection.

5.4 <u>West Northamptonshire Council</u>

No comments to make.

5.5 Peterborough City Council

No Comments to make

5.6 <u>Neighbours / Responses to Publicity</u>

44 neighbour letters were posted. No responses were received.

5.7 <u>National Highways</u>

No objection. Comment as follows:

Our final response to East Northamptonshire District Council regarding application 19/01092/FUL, dated 17 July 2019, recommended that the following condition should be attached to any planning permission that may be granted:

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 in writing 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 and in the interests of road safety.

The LPA subsequently included the above condition in the Decision Notice as Condition 33. Since the current application does not seek to vary Condition 33 National Highways has no objection.

5.8 Local Highway Authority (LHA)

The LHA cannot recommend the variation of the Conditions 4 (Approved Plans) and 6 (Reserved Matters Pursuant to Parameter Plan and Design and Access Statement) until the following has been addressed:

- The bus stops for the development to the south have been removed. Is this site still within 400 metres walking distance of any bus stops?
- It is unclear where the bus turning area is. Therefore, suitable tracking will need to be provided by the applicant. This exercise should include both body and wheel tracking paths.
- The proposed changes to the priority junction will need to receive the correct Section 278 technical approval.

OFFICER NOTE:

The applicant has since submitted details confirming the following:

- 1) We can confirm the buildings are within 400m of the bus stop.
- The bus turning area remains as per the bus turning area approved as part of the stand alone Link Road planning application (LPA ref. 20/00534/FUL) which is located to the south of the Garden Square as shown on the Proposed Site Plan Drawing ref. 15326/1-151. The tracking drawing from previously approved application 20/000534/FUL is attached to this response.
- None of the changes proposed by the Section 73 application relate to the s278 works, they are unaffected by the minor amendment proposals. Following approval of the original Rushden Living application (LPA ref. 19/01092/FUL) the Section 278 technical approval process developed the off-site highway plans. We do not propose to alter the scheme that is already the subject of a s278 approval.
- 4) The Priority Junction Plan was included with the Section 73 application to simply ensure consistency with what was included at planning permission stage.

As such, all points raised by the LHA have been satisfied.

5.9 NNC Environmental Protection Team

No objection.

5.10 NNC Archaeologist

No objection, subject to same condition being used previously for precommencement archaeological works.

5.11 Lead Local Flood Authority

No objection. Comment as follows:

Having reviewed the applicant's submitted details located within:

1.Decision Notice 19/01092/FUL, East Northamptonshire Council (18th June 2019)

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- 2.Planning Statement, Quod (September 2022)
- 3. Flood Risk Statement for Section 73 Application, Waterman (August 2022)

We would advise that there is sufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development.

Condition 17 (Flood Risk Assessment) and Condition 25 (Drainage) set against 19/01092/FUL are proposed to be varied. Both relate to surface water drainage and associated flood risk.

The variation to the wording of the conditions relate to the additional information supplied in Flood Risk Statement for Section 73 Application, Waterman (August 2022) which relates to the submission of the revised design of the proposed link road.

The change to wording to reference the revised report is recommended to be acceptable.

5.12 Crime Prevention Design Officer

No objection

5.13 Natural England

No comment to make.

5.14 The Wildlife Trust

Initial objection but now resolved.

Initial comments as follows:

The land west of Rushden Lakes 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. We would, therefore, like the highlight various aspects of this variation of condition application, along with related sections from some of the discharge of condition applications that are also available for consultation, which are of vital important to the protection of the SPA and the management of the nature reserve.

S106

Paragraphs 6.3 of the Planning Statement and 8.8.2 of the Environmental Statement from this application both state that the existing Section 106 agreement for 19/01092/FUL will not be changed. This is important as it includes the production of an Access and Habitat Management Plan (paragraphs 4-6) for Ditchford Lakes Local Wildlife Site, which is part of the SPA. Schedule 3 of the Section 106 outlines what must be included

in the Access and Habitat Management Plan. This was carefully considered during the initial planning application and we are, therefore, keen to emphasise that it should not be altered at this stage.

Landscaping Plans and LEMP

Application NE/22/01142/VAR includes new Landscaping Plans which incorporate the changes sought as part of the proposal. This includes the areas of greenspace within the shopping area and along the link road, as well as, the series of drainage features that link the site to Ditchford Lakes nature reserve. There are three areas of these plans where we would recommend that slight amendments or clarifications are needed. These are:

- Drawing number EX-124-PP-303 revision 03 includes the Landscaping Plan for the drainage features which connect to the Nature Reserve. This version includes parkland margin seeding within the nature reserve. This should be removed as the existing vegetation should be retained. The seeding proposal should reflect the Landscaping Plan (drawing number 1216-4-007 revision P00) included in NE/22/01088/CND (condition 21 Ecology for 20/00534/FUL please note the modification to the management included for this application below)
- Drawing number EX-124-PP-303 revision 03 includes the provision of a gate onto the informal grass path which leads from the main application site towards the Nature Reserve alongside the drainage features. We advise that more detail on the gate should be provided for the avoidance of doubt at a later stage. The gate should be a kissing gate style plus an agricultural field gate to allow access to any machinery needed to maintain the drainage feature.

The previous landscaping scheme included areas of wildflower meadow. In the Landscaping Plans included in this application these have been replaced by parkland margins (sown with a general purpose meadow seed mix). We would recommend that the Landscape and Ecology Management Plan (LEMP) is updated to include how the parkland margins are to be managed, for example, the mowing regime, for the avoidance of doubt. At present it does not include these areas. At the moment it is not clear what these areas would be like throughout the year. Whilst the informal path to the Nature Reserve will require more regular cutting, we are anticipating the remaining grassland around the drainage features will be managed with the rest of the field. At present it would be included with the rest of the parkland margin management

OFFICER NOTE:

The applicant has submitted additional information to clarify the points raised by The Wildlife Trust, as follows:

- The proposed seeding for this area has been removed from the drawing and is now shown as 'retained existing vegetation'.
- Further information on the pedestrian gate and access gate for maintenance have been added to the drawings.
- The wording of "parkland margin" has been changed back to "wildflower mix" on the drawings to avoid confusion between the

- drawings and LEMP. Note that the mix remains unchanged as EM2 consistent across both drawings and LEMP.
- Notes regarding maintenance have been added to the drawings referring to the LEMP which covers the maintenance of "wildflower mix" EM2 as well as MGS dwg 1216-4-007 which covers the maintenance of the informal permissive path.

5.15 Environment Agency

No comments to make.

5.16 Northants Fire and Rescue

Not able to comment.

5.17 Department for Levelling Up, Housing & Communities

No comments to make.

5.18 Campaign for Dark Skies (CFDS)

No objection. Comment as follows:

- CFDS notes and concurs with the classification of Environmental Zone E2.
- CFDS considers the proposed lighting product fitted on 8MTR columns will minimise Upward Waste Light and the proposal to use LED with a light out put of no more than 3000 Kelvin is welcome given the site location relating to SSSIs.
- CFDS welcomes the proposal of enabling the switching off of lighting where appropriate outside of operational times. This will significantly reduce the environmental impact of the proposed lighting and further allow the development to meet Local and National guidance on minimising the Light Pollution.
- CFDS would hope that the stipulations set out in this document are put into Condition to help enable the development to meet NPPF Paragraph 180C and NNJPU JCS Policy 4iii

15.19 Finaline (Gas)

No objection.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 – Presumption in Favour of Sustainable Development

Policy 3 – Landscape Character

Policy 4 – Biodiversity and Geodiversity

Policy 5 – Water Environment, Resources and Flood Risk Management

Policy 6 – Development on Brownfield Land and Land Affected by Contamination

Policy 8 – North Northamptonshire Place Shaping Principles

Policy 15 – Well-Connected Towns, Villages and Neighbourhoods

6.4 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

6.5 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

6.6 Other Relevant 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

7. Evaluation

7.1 Principle of Development

7.1.1 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.

As set out in the description of development section above, all elements proposed as part of this variation application have already been approved as part of previous associated applications and there have been no changes in policy since that would lead officers to come to a different recommendation to those previously made. As such, the principle of development is already established.

7.1.2 The only element that members are required to consider as part of this variation application is whether or not they are content to substitute the previously approved plans, showing the original layout of the link road, with eth revised plans showing the amended link road layout. The amended link road layout has already been approved by a standalone application.

7.1.3 The consideration for each Condition to be amended is set out in detail below.

7.2 Condition 4 - List of Approved Plans

- 7.2.1 The variation of Condition 4 is requested as a technical exercise to ensure that the previously approved plans are removed from the list of approved plans set out within the condition and are replaced with eth new plans, showing both the previously approved Rushden Living development and the most recently approved layout for the link road side by side. The amendment to this condition is supported by officers.
- 7.3 Condition 6 Reserved matters Pursuant to Parameter plan and Design and Access Statement.
- 7.3.1 Condition 6 as originally worded reads as follows:

All reserved matters that are required to be submitted pursuant to condition 2 attached to this planning permission shall accord with Parameter Plan 15326-152 **Rev 02** and Appendix A 'Design Code' of the Design and Access Statement prepared by The Harris Partnership and dated June 2019.

<u>Reason:</u> To ensure that the layout, scale and appearance of Unit 05 is inkeeping with the approved development.

7.3.2 The plan referred to in this condition is one that needs to be amended to show the revised position of the link road alongside the Rushden Living development. As such, the plan reference will need to be amended to 15326-152 **Rev 03.**

7.4 Condition 10 - Retailers Square Footage

7.4.1 Condition 10 as originally worded reads as follows:

No more than 372 sq.m gross internal ground floor area across the approved units shown on approved plan 15326-151 **Rev B** shall be occupied by retailers whose operation is predominantly the sale of goods other than A1 food and drink.

Reason: To limit the impact of the development on surrounding retail centres.

7.4.2 There is no change proposed to the amount of retail square footage proposed as part of this variation application. However, Condition 10 quotes a plan reference number that will need to be deleted and replaced with an amended plan reference, which shows both the revised link road layout and the wider Rushden living development side by side. Officers support the proposed variation of this condition to delete reference to plan ref: 15326-151 **Rev B** and replace it with: 15326-151 **Rev C**

7.5 Condition 11 - Retailers Square Footage – A1 Use Class

7.5.1 Condition 11 as originally worded reads as follows:

No more than 922 sq.m gross internal ground floor area across the approved units shown on approved plan 15326-151 **Rev B** shall be occupied by retailers whose operation is predominantly the sale of A1 food and drink.

<u>Reason:</u> To limit the impact of the development on surrounding retail centres.

7.5.2 There is no change proposed to the amount of retail square footage proposed as part of this variation application. However, Condition 11 quotes a plan reference number that will need to be deleted and replaced with an amended plan reference, which shows both the revised link road layout and the wider Rushden living development side by side. Officers support the proposed variation of this condition to delete reference to plan ref: 15326-151 Rev A and replace it with: 15326-151 Rev C.

7.6 Condition 12 - Use of Unit 6A

7.6.1 Condition 12 as originally worded reads as follows:

The use of unit 6A as shown on approved plan 15326-151 **Rev B** shall be for the display, promotion and sale of goods from food and drink producers/businesses based within the County of Northamptonshire.

Reason: To limit the impact of the development on surrounding retail centres.

7.6.2 There is no change proposed to the use of Unit 6A proposed as part of this variation application. However, Condition 12 quotes a plan reference number that will need to be deleted and replaced with an amended plan reference, which shows both the revised link road layout and the wider Rushden living development side by side. Officers support the proposed variation of this condition to delete reference to plan ref: 15326-151 **Rev C.**

7.7 Condition 14 - No Amalgamation of Units

7.7.1 The original wording of Condition 14 is as follows:

None of the Retail (class A1) or Food and Beverage (class A3) units hereby permitted and as identified on Plan 15326-151 **Rev B** shall be amalgamated with other units or subdivided to form separate units.

<u>Reason:</u> To enable the Local Planning Authority to retain planning control over the size of individual units and to limit the impact of the development on surrounding retail centres.

7.7.2 There is no change to the use of Unit 6A proposed as part of this variation application. However, Condition 14 quotes a plan reference number that will need to be deleted and replaced with an amended plan reference, which shows both the revised link road layout and the wider Rushden living development side by side. Officers support the proposed variation of this condition to delete reference to plan ref: 15326-151 Rev A and replace it with: 15326-151 Rev C.

7.8 Condition 17 - Flood Risk Assessment

7.8.1 Condition 17 as originally worded reads as follows:

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Campbell Reith, 12348 Rev F1 (and its associated appendices), dated 13 June 2019 and the Drainage Design Philosophy, dated June 2019, prepared by Built Environment Design Partnership.

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

<u>Reasons:</u> (a) To prevent flooding elsewhere by ensuring that compensatory storage of floodwater is provided; and (b) To reduce the risk of flooding to the proposed development and future occupants.

7.8.2 There is no change to the content of the Flood Risk Assessment proposed as part of this this variation application. However, Condition 17 now requires an additional reference to account for this current variation application. Officers support the proposed variation of this condition to add the following text to the condition (following the words Built Environment Design Partnership) 'unless details have been superseded by the 'Flood Risk Statement for Section 73 Application' dated August 2022 prepared by Waterman, where the development shall be carried out in accordance with this document'.

7.9 **Condition 25 - Drainage**

7.9.1 Condition 25 as originally worded reads as follows:

No development (excluding site clearance and earthworks) shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment ref 12348 version F1 prepared by Campbell Reith Consulting Engineers dated 13th June 2019 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

<u>Reason:</u> To reduce the risk of flooding both on and off site in accordance with Paragraph 163 of the NPPF and Policy 5 of the Joint Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

7.9.2 There is no change to the content of the Flood Risk Assessment proposed as part of this this variation application. However, Condition 25 requires a reference to this current variation application, whilst still capturing the relevant elements associated with drainage. Officers support the proposed variation of this condition to add the following text (after the words dated 13th June 2019) 'unless details have been superseded by the 'Flood Risk Statement for Section 73 Application' dated August 2022 prepared by Waterman, where this will be the relevant base document'.

8. Other Matters

- 8.1 **S106:** A s106 Agreement dated 16 September 2020 forms part of the Rushden Living planning permission. A Deed of Variation to the Rushen Living s106 Agreement will be required as part of the determination of this Section 73 application. It is not proposed to change any of the main obligations set out in the September 2020 s106 Agreement.
- 8.2 Health Impact Assessment: Paragraph 91 of the NFFP states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion c) of this seeks to enable and support healthy lifestyles, for example, through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds.
- 8.3 **Environmental Impact Assessment:** A Supplementary Environmental Statement ("ES") has been submitted with this Section 73 application.
- 8.3.1 The Supplementary Environmental Statement sets out how the Original ES which accompanied planning application 19/01092/FUL has been reviewed in order to identify, where necessary, if there is the potential for the scheme amendments to alter the outcome of the Original ES. In addition those additional topics which were covered within the previous ES which supported the standalone link road application (20/00534/FUL) were also reviewed to ensure a robust assessment.
- 8.3.2 Based on the review of the previous technical assessments, it has been concluded in accordance with the EIA Regulations, that the scheme as assessed within the Original ES still represents an accurate assessment of the likely significant effects associated with the construction and post construction phases of the Proposed Development. In addition, it is also concluded that the proposed amendments to the previously approved plans, do not result in any additional significantly adverse effects.

9. Conclusion

9.1 The variations proposed as part of this Section 73 application are considered acceptable for the reasons set out above and the application should be approved, subject to a Deed of Variation to the S106 serving the original consent.

10. Recommendation

10.1 That the Section 73 variation is GRANTED subject to conditions and a Deed of Variation to the original s106 to account for amended plan and application references.

11. Conditions / Reasons for Refusal

1. The development of the site (other than the outline development) for which detailed permission is hereby granted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning

Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The application for the approval of the reserved matters for Unit 05 as identified on plan 15326-154 Rev 02 (hereinafter called "the outline development") must be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The outline development shall be begun before the expiry of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4. 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/specification:
 - GIS-369B Site Location Plan
 - 15326-150 Rev 03 Proposed Rushden Living 2019 Site Context Plan
 - 15326-151 Rev C Proposed Rushden Living 2019 Site Plan
 - 15326-152 Rev 03 Proposed Site Parameters Plan
 - 15326-153 Rev 03 Proposed Site Sections
 - 15326-154 Rev 03 Proposed Site Plan
 - 15326-155 Rev 0 Proposed Pavilions Unit 08 Floorplans, Elevations & Sections
 - 15326-156 Rev 0 Proposed Pavilions Unit 09 Floorplans, Elevations & Sections
 - 15326-157 Rev 0 Proposed Pavilions Unit 10 Floorplans, Elevations & Sections
 - 15326-158 Rev 0 Proposed Pavilions Unit 11 Floorplans, Elevations & Sections
 - 15326-159 Rev 0 Proposed Pavilions Unit 12 Floorplans, Elevations & Sections
 - 15326-160 Rev 0 Proposed Barn Houses Unit 07 Floorplans, Elevations & Sections
 - 15326-161 Rev 0 Proposed Barn Houses Units 13 & 14 Floorplans, Elevations & Sections
 - 15326-162 Rev 0 Proposed West Terrace Units 03 & 04 Floorplans, Elevations &

Sections

- 100 Rev 0 MIN Building Ground Floor Plan
- 101 Rev 0 MIN Building First Floor Plan
- 102 Rev 0 MIN Building Roof Plan
- 200 Rev 0 MIN Building Sections AA & BB
- 201 Rev 0 MIN Building Section CC
- 202 Rev 0 MIN Building Sections DD & EE
- 300 Rev 0 MIN Building Elevations
- EX-124-GA-100 Rev 03 Landscape General Arrangement Plan
- EX-124-PP-301 Rev 03 Planting Plan Detail Area 01
- EX-124-PP-302 Rev 03 Planting Plan Detail Area 02
- EX-124-PP-303 Rev 03 Planting Plan Detail Area 03
- EX-124-PP-304 Rev 03 Planting Plan Detail Area 04
- NWK 170115-EX-00(00)-P700 Rev C Link Road Layout and Long Section
- NWK 170115-EX-00(00)-P722 Rev C Gas Protection Slab Sheet 1
- NWK 170115-EX-00(00)-P723 Rev C Gas Protection Slab Sheet 2
- NWK 170115-EX-52(00)-P562 Rev C Proposed Levels Layout Sheet 1
- NWK 170115-EX-52(00)-P563 Rev C Proposed Levels Layout Sheet 2
- P172-723 Access Rev 03

 Proposed Lighting Layout
- VD18750 HE-VEC-HGN-RDBT-DR-CH-D100.1 Rev P01- A45 J16 E/b Exit Slip Road (Roundabout Approach) General Arrangement
- VD17598-S278-100-GA Rev E- Ditchford Road Priority Junction General Arrangement
- Lighting Design strategy by DRH Simple Solutions as set out in Environmental Statement Volume 3 Appendix 14.2.
- Construction Environmental Management Plan: Environmental Statement Volume 3 Appendix 4.1, Campbell Reith, Project Number 12348, June 2019
- Flood Risk Assessment (FRA) Campbell Reith, 12348 Rev F1 (and its associated appendices), dated 13 June 2019 and
- Drainage Design Philosophy, dated June 2019, prepared by Built Environment Design Partnership"

Reason: To clarify the terms of this permission.

5. Prior to the first occupation of any of the buildings hereby permitted, the new link road, including all pedestrian and cycling facilities shall be fully constructed and made available for use in accordance with the approved drawings.

Reason: To ensure a safe and suitable means of access is available to the buildings.

6. All reserved matters that are required to be submitted pursuant to condition 2 attached to this planning permission shall accord with Parameter Plan 15326-152 **Rev 03** and Appendix A 'Design Code' of the Design and Access Statement prepared by The Harris Partnership and dated June 2019".

<u>Reason:</u> To ensure that the layout, scale and appearance of Unit 05 is in-keeping with the approved development.

7. Prior to installation, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance of the buildings.

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

All agreed boundary treatments located along the new link road shall be in situ before the road opens and all planting along the road shall take place no later than the first planting season following the opening of the road.

All remaining hard and soft landscaping elements approved under the landscaping scheme shall be implemented in accordance with the approved details no later than the first planting season following occupation of the development.

Within the first 5 years, following first planting, any species which die, become damaged, diseased or are removed shall be replaced in the current/next planting season with others of similar size and species unless written consent is obtained from the Local Planning Authority to any variation.

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

- 9. The floorspace hereby approved as part of this application shall not exceed the following GIA:
 - Retail (A1) 1,294 sq.m
 - Restaurant/Café (A3) 464 sq.m
 - Offices (B1a) 294 sq.m
 - Employment (B1c/B2) 2,809 sq.m
 - Leisure and physiotherapy (D1/D2) 635 sq.m
 - Ancillary/Servicing Areas 110 sq.m

<u>Reason:</u> To enable the Local Planning Authority to retain planning control over the provision of additional floorspace in order to maintain a satisfactory layout and sustain an adequate overall level of parking provision and servicing on the site.

10. No more than 372 sq.m gross internal ground floor area across the approved units shown on approved plan 15326-151 Rev C shall be occupied by retailers whose operation is predominantly the sale of goods other than A1 food and drink.

Reason: To limit the impact of the development on surrounding retail centres.

11. No more than 372 sq.m gross internal ground floor area across the approved units shown on approved plan 15326-151 Rev C shall be occupied by retailers whose operation is predominantly the sale of goods other than A1 food and drink.

Reason: To limit the impact of the development on surrounding retail centres.

12. The use of unit 6A as shown on approved plan 15326-151 Rev C shall be for the display, promotion and sale of goods from food and drink producers/businesses based within the County of Northamptonshire.

Reason: To limit the impact of the development on surrounding retail centres.

13. The use of the permitted D1 and D2 floorspace shall only be for services related to physiotherapy/strength and conditioning; a dental surgery; or a crèche and shall be limited to one such business.

Reason: To limit the impact of the development on surrounding retail centres.

14. None of the Retail (class A1) or Food and Beverage (class A3) units hereby permitted and as identified on Plan 15326-151 Rev C shall be amalgamated with other units or subdivided to form separate units.

<u>Reason:</u> To enable the Local Planning Authority to retain planning control over the size of individual units and to limit the impact of the development on surrounding retail centres.

- 15. None of the retail (class A1) floor space hereby approved shall be occupied by any retailer who at the date of such occupation, or within a period of 12 months immediately prior to such occupation, also occupies (or, during such 12 month period, also occupied) retail (class A1) floor space in the town centres of:
 - Wellingborough as defined on plan 'Wellingborough Town Centre Inset Proposals Map - LDF Wellingborough Town Centre APP: July 2009'; and/or
 - Rushden town centre as defined on the Policies Map accompanying the Made Rushden Neighbourhood Plan - June 2018; and/or
 - Irthlingborough defined as the 'Defined Shopping Area' within the adopted 1996
 East
 - Northamptonshire District Local Plan; and/or
 - Higham Ferrers defined as the 'Town Centre Commercial Area' on Figure 8 -Proposals Map of the Higham Ferrers Neighbourhood Plan, made by East Northamptonshire Council on 11 April 2016; and/or
 - Raunds as defined on Figure 6 Raunds Defined Shopping Areas from the Raunds Neighbourhood Plan 2011-2031; and/or
 - Thrapston as defined on Inset 2A Thrapston Town Centre from the Rural North, Oundle and Thrapston Plan (RNOTP) 2011; and/or
 - Kettering as defined on the Kettering Town Centre Area Action Plan (KTCAAP)
 Proposals Map (July 2011) unless a scheme has been submitted to and
 approved in writing by the local planning authority that:
 - (a) commits the retailer to retaining their presence as a retailer within that town centre in the retailer's existing premises or any alternative premises with an

equivalent floor area (give or take 10% GIA), for a period of 5 years following the date of their occupation of the

retail floor space within the development ("the Minimum Period") or until such time as they cease to occupy retail floor space within the development, whichever is sooner; and

- (b) includes a planning obligation:
- (i) prohibiting use of the retail floor space within the development hereby approved by such retailer during such Minimum Period unless their presence as a retailer within that town centre is maintained in the retailer's existing premises or any alternative premises with an equivalent floor area (give or take 10% GIA); and
- (ii) providing that where the term of a lease for occupation of an existing retail premises within that town centre shall (at the date of first occupation by such retailer of the retail floorspace within the development hereby approved) be due to expire before the end of the Minimum Period and the local planning authority has confirmed in writing that it has received sufficient evidence of such due date for expiry, such prohibition on the use of the retail floor space within the development hereby approved by such retailer shall have effect only during any part of the Minimum Period coinciding with the unexpired term of such lease (disregarding any early termination) for occupation of an existing retail premises.

Occupation of the retail floor space hereby approved shall only take place in accordance with the approved scheme (including any amendments to it approved in writing by the local planning authority).

Reason: To limit the impact of the development on surrounding retail centres.

- 16. None of the Leisure (class D2) floorspace hereby approved shall be occupied by any physiotherapy / strength and conditioning operator who at the date of such occupation, or within a period of 12 months immediately prior to such occupation, also occupies or occupied, during such 12 month period Leisure (class D2) floor space in:
 - Rushden town centre as defined on the Policies Map accompanying the Rushden Neighbourhood Plan (Made June 2018); and/or
 - Wellingborough town centre as defined on plan 'Wellingborough Town Centre Inset Proposals Map - LDF Wellingborough Town Centre APP: July 2009';

unless a scheme has been submitted to and approved in writing by the local planning authority that:

- (a) commits the operator to retaining their presence as a physiotherapy / strength and conditioning operator within that town centre in the operator's existing premises or any alternative premises with an equivalent floor area (give or take 10% GIA), for a period of 5 years following the date of their occupation of the leisure floor space within the development ("the Minimum Period") or until such time as they cease to occupy leisure floor space within the development, whichever is sooner; and
- (b) includes a planning obligation:

- (i) prohibiting use of the leisure floor space within the development hereby approved by such physiotherapy/strength and conditioning operator during such Minimum Period unless their presence as an operator within that town centre is maintained in the operator's existing premises or any alternative premises with an equivalent floor area (give or take 10% GIA); and
- (ii) providing that where the term of a lease for occupation of an existing physiotherapy / strength and conditioning leisure premises within that town centre shall (at the date of first occupation by such operator of the Leisure floorspace within the development hereby approved) be due to expire before the end of the Minimum Period and the local planning authority has confirmed in writing that it has received sufficient evidence of such due date for expiry, such prohibition on the use of the Leisure floor space within the development hereby approved by such operator shall have effect only during any part of the Minimum Period coinciding with the unexpired term of such lease (disregarding any early termination) for occupation of an existing fitness/gym premises.

Occupation of the leisure floor space hereby approved shall only take place in accordance with the approved scheme (including any amendments to it approved in writing by the local planning authority).

<u>Reason:</u> To limit the impact of the development on Rushden and Wellingborough town centres in accordance with Policy 12 d) of the North Northamptonshire Joint Core Strategy.

17. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Campbell Reith, 12348 Rev F1 (and its associated appendices), dated 13 June 2019 and the Drainage Design Philosophy, dated June 2019, prepared by Built Environment Design Partnership, unless details have been superseded by the 'Flood Risk Statement for Section 73 Application' dated August 2022 prepared by Waterman, where the development shall be carried out in accordance with this document.

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

<u>Reasons:</u> (a) To prevent flooding elsewhere by ensuring that compensatory storage of floodwater is provided; and (b) To reduce the risk of flooding to the proposed development and future occupants.

18. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

<u>Reason:</u> To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

19. Details of mechanical and electrical plant to be installed at the development shall be

submitted in writing and approved by the Local Authority prior to the relevant part of the development being occupied. The rating level of noise emitted from mechanical and electrical plant to be installed on the development (determined using the guidance of BS 4142:2014, rating for industrial noise affecting mixed residential and industrial areas) shall be at least 5dB below the existing measured background level LA90,T at the nearest noise sensitive receptor during the day and night time period. The mechanical and electrical plant shall be maintained to achieve these levels in perpetuity and any replacement mechanical and electrical plant shall adhere to these restrictions.

For the purpose of the assessment the authority will accept 07:00 - 23:00 for the day time and 23:00 - 07:00 hours as covering the night time period. For the purpose of the assessment a surrogate compliance point can be agreed with the Local Planning Authority, that by calculation or modelling would result in achieving the required sound levels at the nearest noise sensitive receptor.

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

20. 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 in writing with the local planning authority.

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

- 21. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:
 - (i) Approval of a Written Scheme of Investigation;
 - (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
 - (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance and in writing with the Planning Authority; (iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance and in writing with the Planning Authority.

<u>Reason:</u> To ensure that features of archaeological interest are properly examined and recorded, in accordance with paragraph 199 of the NPPF.

22. No development shall commence unless and until a risk assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures.

Prior to occupation of the development a completion report providing evidence that the previously identified risks have been adequately mitigated should be submitted to and approved by the LPA.

<u>Reason:</u> In order to protect public safety because the site is located within 250 metres of a former landfill site.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure all significant risks association with contamination are mitigated.

24. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and vehicle manoeuvring areas shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained or other approved pollution prevention device, e.g. porous paving. Roof water shall not pass through the interceptor(s).

Reason: To prevent contamination from parking areas.

25. No development (excluding site clearance and earthworks) shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment ref 12348 version F1 prepared by Campbell Reith Consulting Engineers dated 13th June 2019, unless details have been superseded by the 'Flood Risk Statement for Section 73 Application' dated August 2022 prepared by Waterman, where this will be the relevant base document, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation structures. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

<u>Reason:</u> To reduce the risk of flooding both on and off site in accordance with Paragraph 163 of the NPPF and Policy 5 of the Joint Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site.

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

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

27. Prior to the first occupation of the development a Verification Report for the installed surface water drainage system (based on the approved Flood risk assessment ref 12348 version F1 prepared by Campbell Reith Consulting Engineers dated 13th June

- 2019) shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:
- a) details of any departure from the agreed design and confirmation that the proposed departure 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); and
- d) Copies of any Statutory Approvals, including Land Drainage Consent for Discharges.

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

28. Prior to the first occupation of the development a crime impact strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with the local crime prevention officer. The Crime Impact Strategy shall include details of management practices to deter crime and explain how the development will be compatible with the existing measures and procedures deployed at Rushden Lakes. The development shall be operated in accordance with the approved crime impact strategy which must be maintained in good working order in perpetuity.

Reason: In the interests of crime prevention.

- 29. Details of the CCTV system to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development.

 Reason: In the interests of crime prevention.
- 30. Details of the boundary treatments to the service yards shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development.

Reason: In the interests of crime prevention.

- 31. The new link road shall not be opened to vehicular traffic until full details of:
 - Signage (on and off-site, including strategic signage further away from the site);
 - Bus stop facilities;
 - Measures to prevent HGV parking and unauthorised encampments along the link road:
 - CCTV; and
 - HGV delivery management and routing (during and post construction);

have been 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, highway safety and convenience.

- 32. The new link road shall not be opened to any traffic until the agreed highway improvements and lighting scheme listed in Condition 4 have been fully implemented. Reason: In the interests of crime prevention, highway safety and convenience.
- 33. 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

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opening of the proposed Ditchford Lane Link Road, unless otherwise agreed in writing with the Local Planning Authority in consultation with Highways England.

<u>Reason:</u> 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 and in the interests of road safety.

34. Prior to the construction of the proposed development and improvement scheme at Ditchford Interchange a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) for the construction phase shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority, Highways England and Ward Councillors. The CEMP shall include the provision of a temporary haul road and the approved strategy shall be adhered to throughout the construction period.

<u>Reason:</u> To ensure that the construction works do not impact the operation of the 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.

- 35. All units hereby approved shall achieve a Very Good rating under BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) for the Shell stage.
 - a) Unless otherwise agreed in writing, prior to commencement of works to the relevant building, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell pre assessment report should be submitted, by the developer, and approved in writing by the Local Planning Authority to demonstrate how the units will achieve a Very Good rating.
 - b) Within 6 months of commencement of works, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE), must be submitted with respect to each BREEAM assessment as detailed above, by the developer to the Local Planning Authority to show that a minimum Very Good rating will be achieved.
 - c) No more than three months following trading, unless otherwise agreed in writing with the Local Planning Authority, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell Final (Post Construction) Certificate, issued by the BRE, must be submitted, by the developer to the Local Planning Authority to demonstrate that a Very Good rating has been achieved by the retail units on site.
 - d) All the measures integrated and provisions detailed within the Sustainability Requirements to be addressed by the Tenant shall be retained for as long as the development is in existence.

<u>Reason:</u> To ensure sustainable construction and reduce carbon emissions in accordance

with Government guidance contained within the National Planning Policy Framework.

36. No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

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

37. 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.

38. Prior to the commencement of development a Bat Survey shall be submitted to and approved in writing by the Local Planning Authority. The Bat Survey shall assess the potential bat roosting within the disused railway tunnel and identify any required mitigation measures. The mitigation measures shall be implemented in accordance with the approved details.

<u>Reason:</u> To ensure that the potential for bat roosting within the disused railway tunnel is fully examined and recorded

- 39. Prior to the opening of any of the new units to the public, a parking management strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include, but not be limited to:
 - The minimum number of parking spaces by type;
 - Details of any restrictions on duration of stay; and
 - Any specific zones (for example staff only parking, public only parking and delivery areas)

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), any revisions to the agreed strategy, and/or any loss of parking spaces shall be agreed in writing by the Local Planning Authority in consultation with Ward Councillor(s) before the changes come into effect.

Reason: To ensure a satisfactory and practical level of parking for staff and visitors.

12. Informatives

- 1. In reaching this decision this Council has implemented the requirement in the NPPF to deliver sustainable development in a proactive and positive way in accordance with paragraph 38. 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.
- 2. The North Northamptonshire Joint Core Spatial Strategy 2011-2031 policy 10 (e), Provision of Infrastructure, encourages developers to provide for fast broadband to new buildings (including but not exclusive to housing, commercial, retail or leisure). This should be gigabit capable and where possible, full fibre broadband connectivity. Early agreement with a telecoms provider is key to being able to enhance your asset. The network capability delivered by full fibre technology supports the fastest

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broadband speeds available, is considered future proof, and will bring a multitude of opportunities, savings and benefits. It may also add value to the development and is a major selling point to attract potential homebuyers and occupiers, with many people now regarding fast broadband as one of the most important considerations. Proposals should be compliant with Part R, Schedule 1 of the Building Regulations 2010 (soon to be amended to strengthen requirements for gigabit connectivity to new dwellings) and the Approved Document R.

Some telecoms network providers have dedicated online portals providing advice for developers, including:

Openreach Developer Portal (openreach.co.uk)

Virgin Media http://www.virginmedia.com/lightning/network-expansion/property-developers

Gigaclear<u>networkbuildcare@gigaclear.com</u> (rural areas and some market towns) OFNL (GTC) http://www.ofnl.co.uk/developers CityFibre http://cityfibre.com/property-developers

Details of other fibre network providers operating locally can be found here http://www.superfastnorthamptonshire.net/how-we-are-delivering/Pages/telecoms-providers.aspx.

For help and advice on broadband connectivity in North Northamptonshire please email bigidea.ncc@northnorthants.gov.uk



