



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): Conditions 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.
- 3.2 The site is bounded to the east by the existing Rushden Lakes development; to the west by Ditchford Road; to the south by agricultural land and the A45 service station, beyond which is the A45; and to the north by a railway embankment and agricultural land. 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.

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 of retail units, restaurant units, office floorspace, physiotherapy/leisure floorspace, ancillary storage floorspace, (with associated site clearance, earthworks, site levelling and formation of banks) together with proposals for access, footpaths, parking and servicing space, hard and soft landscaping, drainage works, attenuation ponds and other associated works and an outline application for the erection of employment units with some matters reserved (layout, scale, appearance). Plus construction of a new link road between Ditchford Road and Rushden Lakes (with associated site clearance and earthworks) alongside junction works, footpaths, cycleways, lighting, hard and soft landscaping and associated works (Resubmission of 18/01197/FUL) – PERMITTED 16.9.20.

Rushden Lakes Permissions

- 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

A full copy of all comments received can be found on the Council’s website [here](#)

5.1 Rushden Town Council

No objection

5.2 Irthlingborough Town Council

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 Higham Ferrers Town Council

No objection.

5.4 West Northamptonshire Council

No comments to make.

5.5 Peterborough City Council

No Comments to make

5.6 Neighbours / Responses to Publicity

44 neighbour letters were posted. No responses were received.

5.7 National Highways

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.
- 2) 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.
- 3) 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 pre-commencement 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)

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 to 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 importance 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 output 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 the 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.

Reason: To ensure that the layout, scale and appearance of Unit 05 is in-keeping 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.

Reason: 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.

Reason: 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.

Reasons: (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.

Reason: 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 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 Rushden 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”.

Reason: 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, reduced-dig 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.

Reason: 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

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

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.

Reason: 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).

Reason: 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.

Reasons: (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.

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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.

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

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.

Reason: 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

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.

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.

Reason: 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.

Reason: 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.

Reason: 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.

Reason: 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

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 networkbuildcare@gigaclear.com (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