

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/08/2010	Item No: 5.1
Report Originator	Fjola Stevens Development Officer	Application No: KET/2010/0242
Wards Affected	Welland	
Location	Birchfield Lodge, Desborough Road, Rushton	
Proposal	Full Application: Formation of 2 no. specimen trout fishing lakes, a junior lake, stock pond, the erection of a facilities building, a machinery store, hatchery, the change of use of land for the siting of a mobile home for the occupation by the site manager, formation of car parking and access areas, plus landscaping	
Applicant	Mr & Mrs L Thomas C/O Agent	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be refused for the three reasons set out in the original report at Appendix A. However, the Planning Committee indicated it was minded to approve the application subject to appropriate planning conditions and deferred their decision so that these matters could be considered. If the Committee is still minded to approve Members are now therefore asked to:-

- a) consider the proposed planning conditions 1 - 14 below in determining the application
- b) provide a Justification Statement for granting planning permission

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The permission for the temporary dwelling shall be limited to a period expiring on 18th August 2013 and the occupation of the temporary dwelling shall be limited to a person employed in the business occupying the plot edged red on the attached plan, or a widow or widower of such a person, or any resident dependents. At or before the expiration of this period the temporary dwelling hereby permitted shall be permanently removed and the land restored to its former condition.

REASON: The establishment of an independent unit of accommodation unrelated to

the plot edged red would be contrary to the planning policies of the area in accordance with policies 1 and 9 of the North Northamptonshire Core Spatial Strategy

3. Notwithstanding the information submitted no development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

4. The lakes hereby permitted shall not be used for any purpose other than for leisure fishing and the retail and hospitality provided within the facilities building hereby permitted shall be used solely ancillary to the use of the fishing lakes, and for no other purpose.

REASON: In the interests of ensuring appropriate development within the open countryside and to protect the rural character of the surrounding area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

5. The use hereby permitted shall not be carried out before 07.30 hours or after 21.30 hours between 1st March and 30th September and not before 07.30 hours or after 17.30 hours between 1st October and 28/29th February.

REASON: In the interests of protecting the character of the surrounding rural area and to protect the amenities of the occupiers of the neighbouring residential property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted. The scheme shall include native species only, locally sourced grass and wildflower mix and a landscape buffer to the adjoining Local Wildlife Site 'Rushton Grange West Meadows'. The approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity and the protection of the rural character of the surrounding area and in the interests of protecting and enhancing the biodiversity of the local wildlife site in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 3 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. No works shall take place on site unless and until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The Ecological Management Plan shall include a monitoring program. The development shall not be carried out other than in accordance with the approved Ecological Management Plan.

REASON: To secure a net gain in biodiversity in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

9. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the protecting the character of the surrounding countryside and the amenities of the neighbouring property in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

10. No development shall commence until full details of the proposed foul water drainage system for the hatchery building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: To prevent the pollution of the water environment in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

11. Prior to first use or the occupation of the development the access and car parking shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The scheme shall include; an access with a 7.5 metre junction radii and a minimum width of 4.8m for the first 10m; a hard bound surface for the first 10 metres from the highway boundary, a maximum gradient over the first 10 metres from the highway boundary of 1 in 15. The access shall not be provided other than in accordance with the approved details.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

12. Prior to first use or occupation of the development the visibility splays of 4.5m x 120m in both directions shall be provided at the junction of the access with Desborough Road. Thereafter there shall be no obstruction within the visibility splays over 0.9m in height.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

13. Prior to first use or occupation of the development, the proposed vehicular access, parking and turning facilities within the site shall be provided in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

REASON: In the interests of highway safety in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

14. Prior to the commencement of development details of the proposed surface water drainage for the access and car parking areas shall be submitted to and approved in writing by the local planning authority. The scheme shall include the use of oil interceptors and shall be provided in accordance with the approved details prior to the first use or occupation of the site.

REASON: To ensure that surface water from the access or private land does not discharge onto the highway and to prevent the pollution of controlled waters in

accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Notes (if any) :-

- Further guidance on contaminated land can be found on the Northants Contaminated Land Group Developers Guide. This document is downloadable at http://www.kettering.gov.uk/downloads/developers_guide_may_04.pdf

If you wish to discuss the requirements of the investigations further please contact Mrs Alex Gratrix, Team Leader (Environmental Protection) on (01536) 534348; or email at contaminatedland@kettering.gov.uk

The application should be aware that Northamptonshire Police have advised that the car park should have a lockable gate and signs advising users to take all valuable belongings with them. All windows should comply with BS7950 and all entry/exit doors should comply with LPS1175 SR2/SR3 or equivalent.

The applicant should be aware that a distribution gas pipeline runs through the site. Safe digging practices in accordance with the HSE document HSG47 must be used to verify and establish the position of the main, pipes, cables, services and other apparatus on the site before any mechanical plant is used. It is the responsibility of the applicant to ensure that all relevant information is provided to all persons (either direct labour or contractors) working for you on or near National Grid apparatus. It must be stressed that both direct and consequential damage to gas or electricity apparatus can be dangerous for both employees and general public.

Repairs to any such damage will incur a charge. Your works should be carried out in such a manner that National Grid are able to gain access to their apparatus throughout the duration of the operations. Work carried out without proper consultation will be done at your own risk. For further information about protection works required on the site you should contact David Mellor at National Grid on 07970 610397 or Plant Protection, National Grid, Block 1; Floor 2, Brick Kiln Street, Hinkley, LE10 0NA (0800 688 588).

The implementation of the Ecological Plan should be overseen by a suitably experienced and qualified ecological clerk of works. Details of qualified ecologists can be found on the Institute of Ecology and Environmental Management's website (<http://www.ieem.net/>).

Officers Report

Further to the committee's resolution on the 20th July 2010 that they are minded to approve the application subject to conditions, it is recommended that the conditions above are imposed on the approval. These conditions have taken into account the comments received from consultees during the course of the application and also discussions with the agent following the committee's resolution.

The original committee report, which includes the consultation responses received, is attached at Appendix A.

Justification for Granting Planning Permission

Background Papers

Title of Document:

Date:

Contact Officer:

Fjola Stevens, Development Officer on 01536 534316

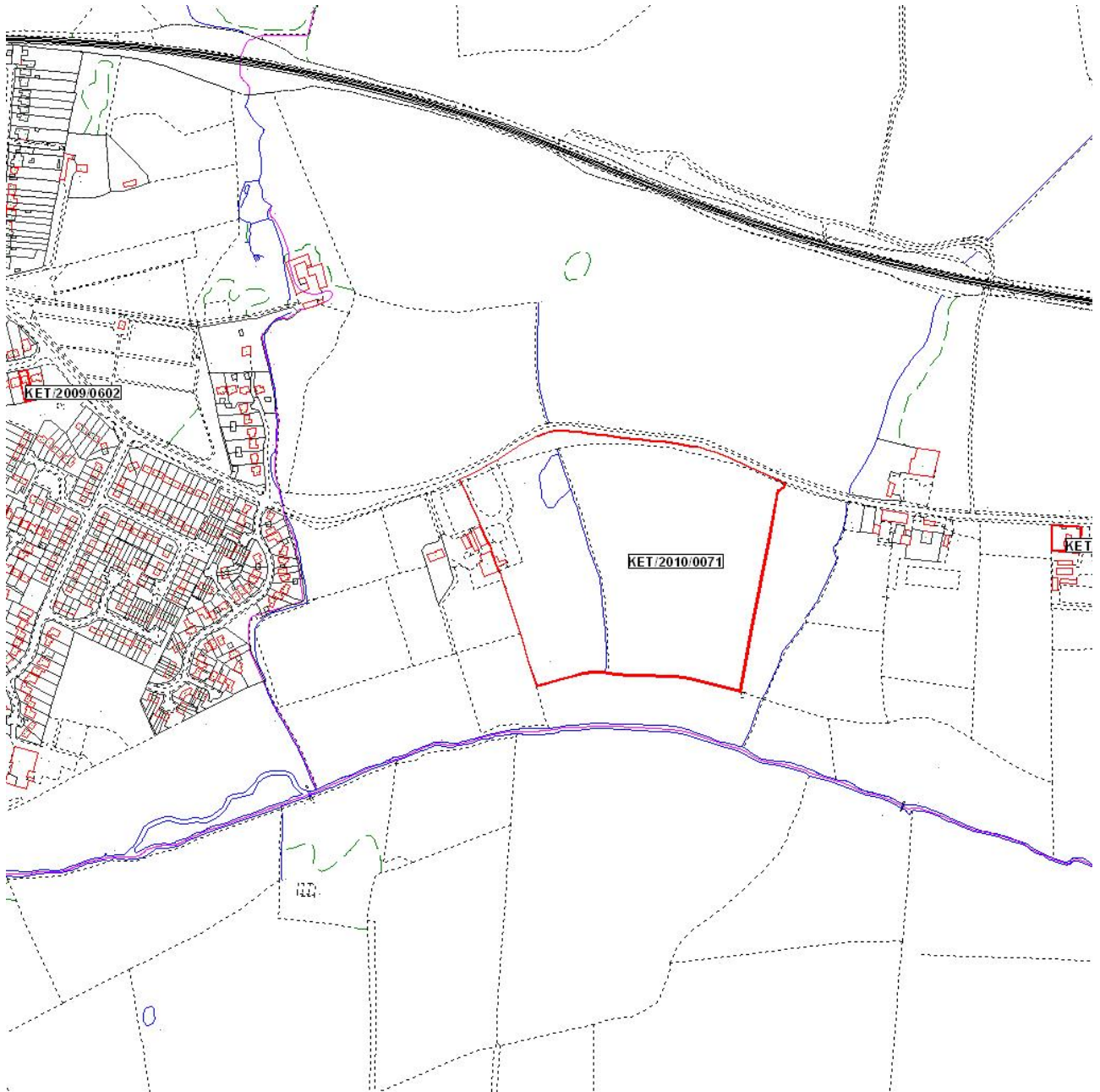
Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Birchfield Lodge, Desborough Road, Rushton
Application No.: KET/2010/0242



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