

## Officers Report

### 3.0 Information

#### **Relevant Planning History**

**KET/2010/0071** – Formal screening opinion under Reg. 4(2)(b) of the Town and Country Planning (EIA) (England and Wales) Regs 1999 and European EIA Directive 85/337/EEC (As amended). Proposed development: Formation of 2 no. specimen trout fishing lakes, a junior lake, stock pond, the erection of a facilities building, machinery store, hatchery, the change of use of lands from the siting of a mobile home for occupation by the site manager, formation of car parking and access areas, plus landscaping. **EIA Required 23/02/2010, A screening direction was requested from the Secretary of State – Proposal is not EIA development 30/03/10**

**KET/2008/0483** – Change of use from agricultural to leisure facility including formation of fishing lake extension to existing lake, formation of stock ponds and junior lake. Erection of facilities building, machinery store and workshop building. Location of mobile home, formation of car parking and access areas landscaping and formation of pedestrian areas.

**Refused 22/08/08** (Appeal withdrawn by applicant prior to determination)

**ENFO/2007/00197 (3)** – Enforcement notice served on Mr L Thomas in connection with the carrying out of engineering operations on the land comprising of the raising of land levels by importation of soils. The notice requires the removal of material from the site and the restoration of the landform, and upon completion of these works the grading of the topsoil and sow grass seed.

**ENFO/2007/00197 (2)** – Enforcement notice served on Mr L Thomas in connection with the carrying out of engineering operations in, on, or over the land, comprising of the raising of land levels by the importation of soils, the excavation and bunding of soils; formation of a lake; and laying of hard surfacing. The notice requires the removal of the retaining wall, the removal of all hardcore and other such materials deposited on the land, the deconstruction of all bunds and mounds and the infill of all excavations forming the lake and restore the landform, remove all imported materials from the site, and upon completion of these works grade the land with topsoil and sow grass seed and plant a hedge along the front boundary with specified native species.

**ENFO/2007/00197 (1)** – Enforcement notice served on Mr L Thomas in connection with the change of use of the land from agriculture to a mixed use for agriculture, domestic storage, the stationing of a mobile home for human habitation and the carrying out of works to facilitate the change of use i.e. access drive and laying of hardstanding. The notice requires the use of the mobile home to cease, the use of the stables for domestic storage to cease, the removal of the mobile home, the removal of all hardstanding and the restoration of the land, the land should then be graded with topsoil and the sowed with grass seed.

**KET/2007/0108** – Formation of fishing lake, extension of existing lake, formation of stock ponds and junior lake. Erection of facilities building, machinery store and

workshop building. Location of mobile home, formation of car parking and access areas, landscaping and formation of pedestrian areas.

**Refused 12/09/07**

**26/10/05** Temporary stop notice served on Mr Lyndon Thomas by Northamptonshire County Council prohibiting further importation of waste, and the movement and engineering of waste materials on land.

**KET/2005/0319** – Agricultural water reservoir  
**Withdrawn 11/10/05**

**KET/2005/0030** – Two agricultural polytunnels  
**Approved 10/03/05**

**KET/2005/0029** – Two agricultural polytunnels  
**Approved 10/03/05**

**KET/2004/0215** – Proposed static van  
**Refused 08/07/04**

**KET/2003/1151** – Proposed mobile home (3 year temporary permission)  
**Refused 03/02/04**

### **Site Description**

The application site lies on the southern side of Rushton Road approximately 250m to the east of Desborough within the defined open countryside. The application site comprises agricultural land and an area of land to the west where the development commenced approx. 3 years ago. Unauthorised works already carried out, including the creation of a pond, re-engineering of the land and removal of hedgerow along the boundaries, car parking, and retaining wall were the subject of enforcement notices that were dismissed at an appeal in 2009. The notices have not yet been fully complied with. However, there was previously a mobile home on the site, which has since been removed as required by the enforcement notice. The enforcement notices should have been complied with by 26<sup>th</sup> March 2010, with the exception of the regarding of land with top soil and the sowing of grass seed which should be completed by 26<sup>th</sup> March 2011.

The surrounding area is characterised by undulating fields bounded by hedgerows and trees. The landscape is relatively open and undisturbed, although there is a dwelling with outbuildings and a riding manege directly to the west of the application site.

### **Proposed Development**

This application seeks planning permission for a change of use of the land from agriculture to a leisure fishing facility including a facilities building, a machinery store, a hatchery building, a temporary mobile home for the manager, car parking and the provision of 3 fishing lakes (including the existing unauthorised one which would be extended slightly), a stock pond and a junior pond.

The proposed 'T' shaped facilities building would provide an office, a permanent

function room, toilet facilities and retail space. It would be a brick construction with a tiled roof and timber windows, measuring approx. 8.5m (H) x 20.9m (D) x 19.7m (W).

The proposed hatchery and machinery store would both be typical agricultural buildings with metal cladding and cement fibre roofing. The hatchery building would measure approx. 11.1m (H) x 36m (D) x 12m whilst the proposed machinery store would measure approx. 7.5m (H) x 12.3m (D) x 8.2m (W). The heights are maximum measurements taking into account the slope of the land.

The car park would be sited in the north west corner of the application site, whilst the buildings would be sited to the south of the car park. The lakes would be positioned across the application site with landscaped areas and walkways between.

### **Any Constraints Affecting The Site**

Distribution gas main pipeline running through the application site

## **4.0 Consultation Responses**

### Environment Agency (EA) (Summary)

Objection - The proposed drainage involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. Circular 03/99 requires full consideration to be given to the environmental criteria in Annex A of the circular to justify the use of a non-mains drainage system. No such information has been submitted with this application and therefore the application does not provide sufficient information to assess the risks to the water environment arising from the proposed development.

The EA has also outlined the consents necessary for various aspects of the proposal in the event planning the issues above are resolved and planning permission is granted.

### Health & Safety Executive

No objection.

### National Grid

The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus. Therefore, prior to works commencing trial holes must be dug to find the exact location of the pipeline, and these shall be carried out under the supervision of a National Grid responsible person.

### Natural England

No objection

### Highway Authority

22/06/10 (re-consultation having received the revised transport assessment)

No further comment or objection to the proposal.

14/05/10

No highway objection, however the transport assessment is over 2 years old and it should be reviewed and updated.

Conditions are recommended concerning; design and surfacing of access, width of vehicular access, provision of visibility splays, provision of access, parking and turning facilities prior to first use, means of drainage to be installed prior to the first use/occupation of the development.

In addition, the applicant should be made aware consent may be required from the highways authority for works within the highway.

Confirmation provided that the application site is not affected by a public right of way.

Wildlife Trust

02/07/10 (re-consultation on additional ecological information)

The additional information is sufficient to consider the proposal. No objection raised, but conditions recommended requiring an ecological management plan, soft landscaping scheme and a provision of a substantial buffer to the green infrastructure corridor.

11/05/10

Additional information is required regarding biodiversity, green infrastructure and the local wildlife site bordering the application site. As submitted the ecological information is insufficient and incomplete and therefore it is not possible to make a fully-informed decision about the determination of the application.

Police Crime Prevention Design Advisor (CPDA)

No objection, informative recommended to ensure; that the car park has a lockable gate and signs to instruct users to take all valuable belongings with them, all windows conform to the relevant standards, and entry/exit doors comply with relevant standards.

Sport England

Asked to support the application by the applicant, Sport England states that The Sport England Strategy 2008-2011 seeks to grow participation in sport, sustain participation in sport and to accelerate talent in a number of identified sports. Sport England confirms that angling is recognised as a sport and therefore supports the principle of a development that helps to achieve the identified outcomes, in particular the use of the facility as an educational resource which promotes Angling as a sport.

In addition, the East Midlands Regional Development Officer for Angling, has advised that there is an in principle need for the development of small, safe still water fishing facilities to meet the objectives of the Whole Sport Plan.

Sport England advise that these comments provide information on the promotion and development of Angling as a sport in principle and are not intended to convey support for the specific location of this development but rather the development of the sport as a whole.

Northants Badger Group

No objection

Rushton Parish Council

We do not object to this proposal but we have the following comments:

1. Is there sufficient water available to keep the lakes filled, allowing for evaporation?
2. Avoid all-night security lighting which will give light pollution
3. Work seems to have started before planning permission has been granted.

Desborough Town Council

Desborough Town Council fully supports this development which should enhance biodiversity, leisure and education facilities and provide much needed employment opportunity. The development will have a great environmental impact as well as clearing land that was a 'rubbish tip'.

Desborough Town Council acknowledges the commitment Mr & Mrs Thomas have shown for their dream. This is an excellent proposal and will have a huge benefit to the local community both financially, educational and for leisure.

Neighbour Summary

3 Third Party letters of support

- Would be an asset to the area, a positive addition to local facilities
- Nothing similar in the immediate area
- Appearance will fit in well
- No adverse impact in terms of noise, smell or pollution
- Will help other local businesses – hotels, pubs, restaurants, shops etc
- Will create jobs for local people
- If it protects the surrounding countryside from mass housing projects it is worthy of support
- With the proposed housing development in this part of the county additional leisure facilities that are sympathetic to the environment, promote a health lifestyle, fresh air and a connection with the countryside should be created
- Would be beneficial personally and for company where a fishing club would be set up
- Will enhance the locality and provide a facility that will be well used by locals

**5.0 Planning Policy**

**National Policies**

PPS 1 Delivering Sustainable Development  
PPS 4 Delivering sustainable economic development  
PPS 9 Biodiversity and Geological Conservation  
PPS 10 Planning for Sustainable Waste Management  
PPG 13 Transport  
PPG17 Planning for open space, sport and recreation  
PPS 22 Planning and Pollution Control  
PPS 25 Development and Flood Risk

**Development Plan Policies**

North Northamptonshire Core Spatial Strategy Policies

P1 Strengthening settlement networks  
P5 Green Infrastructure  
P8 Delivering Economic Prosperity  
P9 Distribution and local of development  
P11 Distribution of jobs  
P13 General sustainable development principles  
P14 Energy efficiency and sustainable construction

#### **Local Plan**

P7 Protection of the open countryside  
RA5 Housing in open countryside

#### **SPGs/SPDs**

SPD: Sustainable Design

### **6.0 Financial/Resource Implications**

None

### **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Landscape and Visual Impact
3. Functional need for dwelling
4. Highway Safety
5. Health & Safety
6. Residential Amenity
7. Economic impacts
8. Flood Risk & Drainage
9. Ecology, Biodiversity and Green Infrastructure
10. Contaminated Land

#### **1. Principle of Development**

Since the proposed development would provide employment opportunities and has the potential to generate wealth, the proposal falls within the definition of economic development as set out in PPS4. Therefore PPS1, PPS4 and PPS7, which all address sustainable economic development in rural areas, are relevant considerations.

PPS1 outlines the importance of sustainable development, and PPS7 states that decisions should be based on sustainable development principles, ensuring the effective protection and enhancement of the environment and maintaining high and stable levels of economic growth and employment.

The main objective of PPS4 is to deliver prosperous economies by improving the economic performance of all areas, delivering sustainable patterns of development, raising the quality of life and the environment in rural areas and protecting the open countryside for the benefit of all. Policy EC6 makes it clear that the countryside should be protected for the sake of its intrinsic character, the diversity of its

landscapes, wildlife, and ensure it is enjoyed by all. LPA's should therefore strictly control new development away from existing settlements, although under Policy EC7 LPA's should support sustainable rural tourism and leisure developments that benefit rural business, communities provided it enriches rather than harms the character of the countryside.

Policy EC10 of PPS4 states that LPA's should adopt a positive and constructive approach to sustainable economic growth, however it is important that development is accessible via sustainable means of transport, that it secures high quality design which takes opportunities available to improve the character and quality of an area. In addition Policy EC12 of PPS4 sets out the preference for the re-use of existing buildings in the countryside where the benefits outweigh any harm caused to visual amenity, wildlife, settlement patterns and conservation issues.

It is considered that due to the location of the application site on the edge of Desborough, and bearing in mind its accessibility by public transport, cycles or even on foot if desired (although footpaths do not extend to the site), the proposed development would be sited in a relatively sustainable location. However, PPS4 makes it very clear that the economic development should not have an adverse impact upon the character of an area and there is a preference for re-use of existing buildings.

The issues in terms of visual impact are considered in full below, however in summary it is considered that due to the size, design and form of the proposed facilities building, and the cumulative impact of the other buildings along with the car parking the proposal would have a significant adverse impact upon the character of the open countryside. Furthermore, the proposed business would incorporate a facilities building with permanent function room and an area for retail. Limited information has been provided with regard to these aspects of the proposed development. However, bearing in mind the business has not yet been established it is a concern that the hospitality/retail proposed may not be ancillary to the fishing business. It is considered that the scale of the hospitality and retail proposed, even if it were ancillary, would result in a significant change to the peaceful rural setting of the application site to the detriment of the surrounding area. Whilst it may be necessary to have a small bait store on the site and toilet facilities, which should be small unobtrusive structures, it is considered that the proposed facilities building can not be justified.

Therefore although the fishing lakes alone could meet the general policy requirements of PPS1 and PPS4, due to the amount of physical changes proposed to the landscape the proposal fails to meet the overall policy tests of PPS1 and PPS4.

PPG17 sets out the national policy for open space and sports and recreational facilities. Open space is defined as being "all open space of public value, including not just land, but also areas of water which offer important opportunities for sport and recreation". PPG17 then sets out a number of open space typologies, and this includes outdoor sports facilities.

Although the site would not be open to the general public angling is classified as a

sport by Sport England, and the business plan shows that although there will be a fee to use the facilities it will not be a members only club. It is considered that the proposed development is a sport/recreation use falling within the outdoor sport facilities typology. The proposal has therefore been considered against the requirements of PPG17.

The document promotes sustainable sport and recreational facilities that are located in areas easily accessible by sustainable modes of transport, and that preferably make use of brown field sites. PPG17 also outlines the importance of countryside surrounding towns; encouraging managed woodlands, community forests and agricultural showgrounds in these areas. Specifically in rural areas small scale facilities may be acceptable adjacent to villages to meet the needs of the local community. Furthermore under PPG17 Local Authorities should carry out needs assessments in terms of open space, sport and recreation facilities required in the local area. The needs assessment for Kettering Borough shows that the Desborough and Rothwell area has a good range of high quality green space, although in many cases it is in a centralised location.

Due to the location of the proposed development on a Greenfield site in the open countryside it is considered that the proposed development does not meet the policy requirements of PPG17. Although the PPG17 open space assessment did not specifically look at fishing lakes it did consider all of the typologies and therefore it is considered relevant to this application. Since there is no identified need for additional outdoor sports facilities in the Desborough/Rothwell area it is considered that there is no justification in terms of need. Therefore it is considered that under PPG17 there is no specific justification for the proposed development.

### **Summary**

In summary, due to the extent of the proposed operational development associated with the business and the introduction of hospitality/retail facilities the proposed development would have a significant adverse impact upon the rural character of the surrounding area. Therefore, although the principle of fishing lakes with appropriate landscaping to prevent the use having an urbanising impact upon the countryside is acceptable, the overall proposal does not comply with PPS1, PPS4 or PPS7 and therefore it is unacceptable. The requirements of PPG17 have been taken into account however there is no special justification for the proposed development under PPG17 that would outweigh the other considerations.

### **2. Landscape and Visual Impact**

PPS1 requires development to take the opportunities available to enhance the character of an area. It is essential that development respects its context and as outlined in PPS1 and PPS7 it should protect and enhance the natural environment and improve the quality and character of the countryside. Policy 13 of the CSS states that new development should conserve and enhance the landscape character, making reference to the Environmental Character Assessment and Green Infrastructure Strategy.

The application site lies within the Central Northamptonshire Plateaux & Valleys area which is on a rolling ironstone slope as identified in Northamptonshire's Environmental Character and Green Infrastructure Suite. The area is characterised



by high plateaux farmland and undulating valleys, with well maintained hedgerows giving a well managed character. Fieldscapes generally show great diversity of age and structure and they tend not to follow major landform or other physical considerations. Although Desborough has an urbanising influence over the surrounding landscape, the landscape has retained a quiet rural character. It is considered that despite the proximity of the application site to Desborough the predominant character of the surrounding area is peaceful open and rural and therefore it has a reasonable degree of amenity value.

Based on the additional information submitted by the applicant and the commitment to providing a suitable landscaping scheme that incorporates local and native seed mixes, it is considered that the creation of the lakes in themselves would not have a serious adverse impact upon the visual amenity and rural character of the locality. It is also considered that whilst the proposed hatchery and machinery store are significant in size due to their agricultural design they would not significantly detract from the rural character of the surrounding area. Although, it is considered that consideration should have been given to adapting the existing outbuildings rather than deeming it necessary to construct 2 new buildings on the site.

It is considered that the proposed brick built facilities building, which has been reduced in size during the course of the application, would have a serious adverse impact upon the visual amenity and open character of the locality. It has been designed to provide a function room with retail space and offices, and it features a large terrace area to site. The appearance of the proposed building is overly domestic given the rural location of the proposal. Furthermore, due to the siting of the proposed building adjacent to the access and set in from the boundary of the site the proposal would detract from the semi-natural landscape that the applicant intends to create on the application site, and certainly the existing rural landscape surrounding the application site. In order to fit better into landscape a portal style agricultural building that would be capable of being dismantled and removed from the land would be more appropriate. This is the case with other agricultural buildings in order to prevent permanent buildings being developed which would then likely generate change of use applications for residential.

In addition to the inappropriate design of the proposed building it is considered that the scale of the proposed building has not been fully justified within the application. As a start up fishery business it is considered that a permanent facilities building, with a large function room and retail space, would not be necessary. The proposal therefore constitutes an unjustified and inappropriate development within the open countryside.

### **Summary**

Although in principle it is considered that subject to conditions regarding the landscaping and ecological management of the site the visual impacts of the proposed lake could be sufficiently mitigated, it is considered that the proposal would result in an excessive amount of built development on the site, with unjustified buildings that are over domestic in design and appeal, and excessive in scale, and being sited prominently away from the site boundary therefore resulting in a more significant visual impact, cumulatively having a significant adverse impact upon the visual amenity and open rural character of the locality. The proposal therefore does

not comply with PPS1, PPS4, PPS7 or policy 13 of the CSS.

### 3. Need for a dwelling

The application seeks permission for a temporary dwelling for the manager of the proposed fishery business in the form of a 3 bed mobile home. PPS7 states that new development in the countryside should be strictly controlled. Only in cases where there is special justification should new dwelling be permitted, for example; if there is a need for a worker to live permanently at or near their place of work in the countryside. In such cases the proposal should be assessed Annex A of PPS7. Firstly, it is necessary for the enterprise itself, including any development necessary for the operation of the enterprise to be acceptable in planning terms. Secondly, the application must demonstrate that;

- there is clear evidence of a firm intention and ability to develop the enterprise
- there is a function need for a worker to live on the site
- there is clear evidence that the enterprise has been planned on a sound financial basis
- the functional need could not be fulfilled by existing accommodation in the area.

The applicant considers that there is a need for there a permanent human presence on the site and therefore it is necessary to have a residential property, albeit temporary, on the site. The proposal is assessed against the relevant considerations below.

#### *Firm intention and ability to develop the enterprise*

Significant investment in the business is usually a good indication of intentions and in this instance little or no investment, other than in the land and the stocking of an existing lake, has taken place. It is considered that this criterion can not be satisfied until a time when a reasonable amount of money has been invested in the business.

#### *Functional need*

The applicant states that trout are very sensitive to their environment in terms of water temperature and level of oxygen and therefore a re-circulation aquaculture system to monitor and control water temperature, water quality and the level of oxygen within the water would be used. However, the applicant states that in the event a problem occurs with this system it would be necessary for a worker to be on the site and to deal with the problem within 2-3 minutes and this can only be carried out if there is a worker living on the site. In addition the application has stated that in order to keep the ponds well stocked there needed to be a permanent presence on the site.

The applicant has failed to; provide evidence to demonstrate that action must be taken within 2-3 minutes (in deed in other cases it has been argued that the time would be between 10-30 minutes), or give any indication of the extent to which system breakdowns would be a recurrent problem. It is considered that with a back-up generator and appropriate alarm systems with a link to a remote receptor a worker would be able to attend the site and deal with a problem in sufficient time. Furthermore, it is considered that the stocking of ponds should take place during 'normal' working hours and that insufficient evidence has been provided to show why this would be necessary at other times.

The applicant has also stated that due to problems with theft from the site it is necessary to have a permanent presence on the site. Details of previous incidents have been submitted, however it is considered that the number is relatively low and with appropriate security measures the risk of crime would be reduced. The police have been consulted on the application and they have no objection to the proposal. Therefore it is considered that the applicant has failed to demonstrate that there is a functional need with regard to site security.

Therefore, based on the information available it is considered that there is no functional need for a worker to have a permanent presence on the application site.

*Enterprise has been planned on a sound financial basis*

A business plan has been submitted with the application showing the financial projections for the business however it fails to take into account significant areas of expenditure, for example the rent/return on the capital for the construction/excavation works. In addition it is considered that the suggested profit is ambitious bearing in mind this is a start up business (£30,041 in yr 1 rising to £96,540 in yr 3). The applicant has used an existing business to inform the financial plan however no evidence has been submitted to show that the circumstances of the 2 businesses would be the same.

Although a financial plan has been submitted it is not very detailed and provides insufficient evidence to support the projections of the plan, and areas of significant expenditure have not been included within the plan. Therefore it is considered that the proposal has not been planned on a sound financial basis.

*Accommodation nearby could not serve the function*

The applicant states that it would not be possible to meet the functional need of the enterprise without living on the site. However, as stated above it is considered that there is no functional need for a worker to have a permanent presence on the site and that with appropriate systems in place a worker could live nearby and still meet the needs of the business. The town of Desborough lies approximately 250m from the application site, and at present there are over 350 properties for sale and over 40 properties available to rent. As such, it would be possible for a worker to live only a few minutes drive from the application site. The applicant has therefore failed to demonstrate that the accommodation which is available nearby could not meet the needs of the business.

**Summary**

Although a statement justifying the need for a temporary dwelling and a business plan has been provided insufficient evidence has been provided to meet the tests of PPS7. The proposed temporary dwelling is therefore unjustified and unacceptable and contrary to Policies 1 and 9 of the CSS and Policies 7 and RA5 of the LP.

**4. Highway Safety**

Policy 13 of the CSS states that new development should be designed to take account of the transport user hierarchy of pedestrian-cyclist-public transport-private vehicle, in additional new development should not have an adverse impact upon the highway network or prejudice highway safety. The application was accompanied by

a Transport Statement (TS) when submitted, and it has subsequently been updated as requested by the Highways Authority at Northamptonshire County Council.

The speed data from 2008 provided within the TS demonstrates that although the road has a derestricted speed limit (60mph) the average eastbound speed is 40mph and the average westbound speed is 38mph. The TS also shows that there have been a relatively low number of road traffic accidents in the vicinity, with 4 personal injury accidents occurring between March 2003 and May 2010. Due to the low number of incidents the highways authority have not requested an updated speed survey. In principle the highways authority are satisfied with the information provided and have no objection to the principle of the proposal in terms of highway safety.

In addition the TS demonstrates that the site is served by public transport with bus stops 375m and 650m from the site. Furthermore, due to the proximity of the proposed development to Desborough it would also be possible for customers to walk or cycle to the application site. It is considered that due to the nature of the use and the requirement for customers to bring equipment with them to the facility it is likely that there will be a dependence on private motor vehicles. However, the information submitted with the application identifies that customers would have reasonable access to public transport and other sustainable modes of transport should they wish to use it.

The highways authority are concerned that the access is designed and laid out with the appropriate visibility splays, sufficient width and a suitable hard bound material. It is therefore recommended that in the event planning permission is granted the conditions recommended by the highways authority are imposed on the approval.

### **Summary**

In terms of highway safety and sustainable forms of transport the proposed development is considered to be acceptable subject to the imposition of relevant conditions recommended by the highways authority. The proposal therefore accords with Policy 13 of the CSS.

### **5. Health & Safety**

The proposed development has been assessed using the Health and Safety Executive's (HSE) Padhi system in order to establish whether the proposed development is acceptable in terms of health and safety. This assessment is required because a main distribution gas pipeline runs through the site. Due to the nature of the proposed use (leisure use where members of the public will assemble), the scale of the use and the location of the operational development, specifically the position of the proposed facilities building the HSE's originally advised against the proposal. However, the facilities building has now been reduced in size so that it is more than 9m away from the pipeline and therefore the HSE no longer advises against the proposal.

In addition to the HSE comments, the National Grid (the owner and operator of the pipeline) has expressed concern about the impact of the proposed development upon their apparatus. However, these comments do not relate to the planning merits of the proposal and provided the development not be deemed unsafe by the HSE it

is considered that the concerns of National Grid are a matter that should be resolved between the applicant and National Grid.

### **Summary**

Based on the information currently available the HSE has raised an objection to the proposed development and therefore it is recommended that planning permission be refused.

### **6. Residential Amenity**

There is a residential property adjacent to the application site, and in accordance with Policy 13 of the CSS new development should not result in an unacceptable impact upon the amenities of neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

The proposed development would result in an intensified use of the land, with hospitality alongside educational services being offered. However, it is considered that the fishing element of the proposal would not result in a significant increase in noise levels since it is a relatively quiet activity. The noise generated is more likely to come from the facilities building, the coming and going of vehicles, and the machinery used in connection with the hatchery and the maintenance of the facility.

The proposed facilities building would be a reasonable distance from the neighbouring property and the proposed parking area would not be directly adjacent to the dwelling and therefore it is considered that the proposed development would not have a significant adverse impact upon the occupiers of the dwelling, provided the hours of use and the type of use can be restricted. For example, should the function room be used for evening functions it may be unneighbourly, however day time use in connection with the fishing enterprise is unlikely to cause significant harm.

The buildings closest to the western boundary of the site would be the hatchery and machinery store. It is considered that due to the siting of these buildings close to the agricultural buildings on the neighbour's property, and taking into account the scale and design of these buildings it is considered that the buildings would not have an overbearing impact upon the occupiers of the neighbouring dwelling and would not result in a loss of light. Due to the siting and scale of the proposed mobile home it is also considered that this would not have a significant impact upon the neighbouring property.

The proposed hatchery, which would be sited directly adjacent to the western boundary of the site, would have a re-circulation aquaculture system to monitor and control water temperature, water quality and the level of oxygen within the water. It is possible that the equipment that forms part of this system will generate noise, and due to the position of the building close to the boundary it is important that the noise is adequately controlled to ensure that there would not be an adverse impact upon the occupiers of the neighbouring dwelling. It is therefore considered that a noise survey should be the subject of a condition if planning permission is granted.

### **Summary**

It is considered that whilst there may be an increase in noise levels as a result of the

proposed change of use, however it is likely that these could be controlled with appropriate conditions with regard to opening hours and the uses permitted. In addition it is considered that a condition requiring a noise survey in relation to the proposed machinery/plant equipment required in connection with the use and the implementation of any necessary mitigation measures should also be imposed in the event planning permission is granted. Subject to conditions concerning noise it is considered that the proposed development would not have a significant impact upon the occupiers of the neighbouring dwellings and therefore would accord with Policy 13 of the CSS.

#### 7. Economic impacts

PPS1, PPS4 and policies within the development plan outline the importance of sustainable economic development. Within North Northamptonshire the policy aim for delivering economic prosperity as set out in Policy 8 of the CSS is to deliver an increase in jobs (general industrial, strategic distribution and offices) in order to balance the number of new homes with the jobs available. There is also a focus on investment in education and training in order to develop the qualifications and skills required to attract new businesses and to assist with economic diversification. Furthermore Policy 1 states that there will be an emphasis on regenerating town centres through environmental improvements and new mixed use developments, incorporating cultural activities and tourism facilities.

It is considered that although the proposed development would provide economic diversification and jobs would be created, the job provision would not be significant due to the number of jobs available, and the jobs would not be high skill jobs. In addition, the proposed development would not provide significant regeneration for Desborough due to its siting within the open countryside outside of the town. It is acknowledged that the proposed leisure development which could potentially become a tourist attraction could bring money to the area, and there may be an increase in spending within Desborough. However, the proposed development does not constitute a significant town centre regeneration scheme that would have a significant positive impact, it is a leisure use in the open countryside that would not provide a sufficient economic benefit for Desborough to outweigh the other concerns about the proposal.

#### **Summary**

Although the provision of any jobs is seen as a positive step and the proposal may result in a small increase spend in the nearby town of Desborough, it is considered that the economic benefits of the proposed development are not so significant to outweigh the concerns about other aspects of the proposal. The proposal therefore does not meet the requirements of Policy 1 or 8 of the CSS.

#### 8. Flood Risk & Drainage

PPS 25 requires flood risk to be taken into account as part of the planning process, ensuring that planning applications are supported with an appropriate flood risk assessment (FRA). The application is accompanied by a FRA and the EA has confirmed that there is no objection with regards to flood risk.

Policy 13 of the CSS states that new development should not cause a risk to (and where possible enhance) the quality of underlying ground water or surface water, or

increase the risk of flooding on the site or elsewhere, and where possible incorporate Sustainable Drainage Systems (SuDS) and lead to a reduction in flood risk. As submitted the LPA is not satisfied that the proposed development meets this policy requirement. The EA has objected to the application as submitted on the basis that an insufficient assessment of the potential risks of the non-mains foul drainage system proposed has been provided.

The assessment of the risks to the water environment is considered to be essential, particularly given the location of the application site very close to the River Ise. The applicant has been asked to address this issue, and it is possible that provided sufficient information is submitted the EA objection could be removed, however to date no response has been received regarding this issue.

### **Summary**

Based on the information currently available the proposed development is the subject of an EA objection due to lack of information regarding risk to the water environment. The proposal is therefore contrary to Policy 13 of the CSS and should as a result be refused

### **9. Ecology, Biodiversity and Green Infrastructure**

The importance of protecting and enhancing ecology, biodiversity and green infrastructure is set out in PPS9 and Policy 5 of the CSS. PPS9 explains the importance of conserving, enhancing and restoring biodiversity and wildlife. Policy 5 of the CSS explains that a net gain in green infrastructure will be sought through the protection and enhancement of assets and the creation of multi functional areas of green space that promote recreation and tourism, public access, green education, biodiversity, water management, the protection and enhancement of the local landscape among other issues.

Although there are no designations or records of protected species on the application site, the 'Rushton Grange West Meadows' Local Wildlife Site bounds the application site to the south and east. In addition the application site lies within a sub-regional green infrastructure corridor. The supporting information states that the proposal would not have an adverse impact upon wildlife habitats, the green infrastructure corridor or the nearby local wildlife sites due to the nature of the proposed use, the operational development proposed and the proposed landscaping scheme.

The applicant seeks to provide a 'meadow' type landscape and all of the non-native species that have been planted on the site would be removed and replaced with native species. Natural England have no comment to make on the proposed development, however the wildlife trust expressed concern about the proposal when initially consulted due to lack of information. Following the submission of additional information the wildlife trust have not raised an objection, although they do recommend conditions to ensure that an ecological management is required for the site and that native, that locally sourced grass and wildflower mixed seeds are used for the planting and the provision of a substantial landscape buffer to the Rushton Grange West Meadows wildlife site.

### **Summary**

Subject to conditions concerning planting and management plans the proposed development would not have a detrimental impact upon wildlife on the site, biodiversity or the green infrastructure corridor. The proposal therefore would be in accordance with PPS9 and Policy 5 of the CSS.

#### 10. Contaminated Land

There has been a history of tipping on part of the application site and previous applications were refused on the basis that the issue of contamination of the land had not been fully assessed. A contaminated land survey has been submitted with the application and comments from the environmental health team are currently awaited. An update will be provided to committee regarding this matter.

### 8.0 Conclusions

In conclusion, although in principle the creation of a low scale fishing lake enterprise would be acceptable, as a result of the extent of the proposed built development, the design and appearance of the proposed facilities building the proposal would have a significant adverse impact upon the visual amenity and quality of the landscape. In addition, due to the scale of the proposed enterprise which encompasses a permanent facilities building offering hospitality and retail opportunities it is considered that the proposal would detract from the peaceful and rural character of the locality. The proposal therefore does not accord with PPS1, PPS4, PPS7 or Policy 13 of the CSS.

Furthermore, the applicant has failed to demonstrate that a temporary dwelling on the site would meet the tests of PPS7. This element of the proposal therefore constitutes unjustified development within the open countryside, detrimental to the rural character of the locality contrary to PPS7, Policy 7 of the LP and Policy 13 of the CSS.

At present there is also an objection from the EA because insufficient information has been submitted outlining the potential risks of the proposed non-mains drainage system proposed upon the water environment. Therefore it is not possible to be assured that the proposal would not have an adverse impact upon the water environment contrary to Policy 13 of the CSS.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

#### **Previous Reports/Minutes**

Ref:

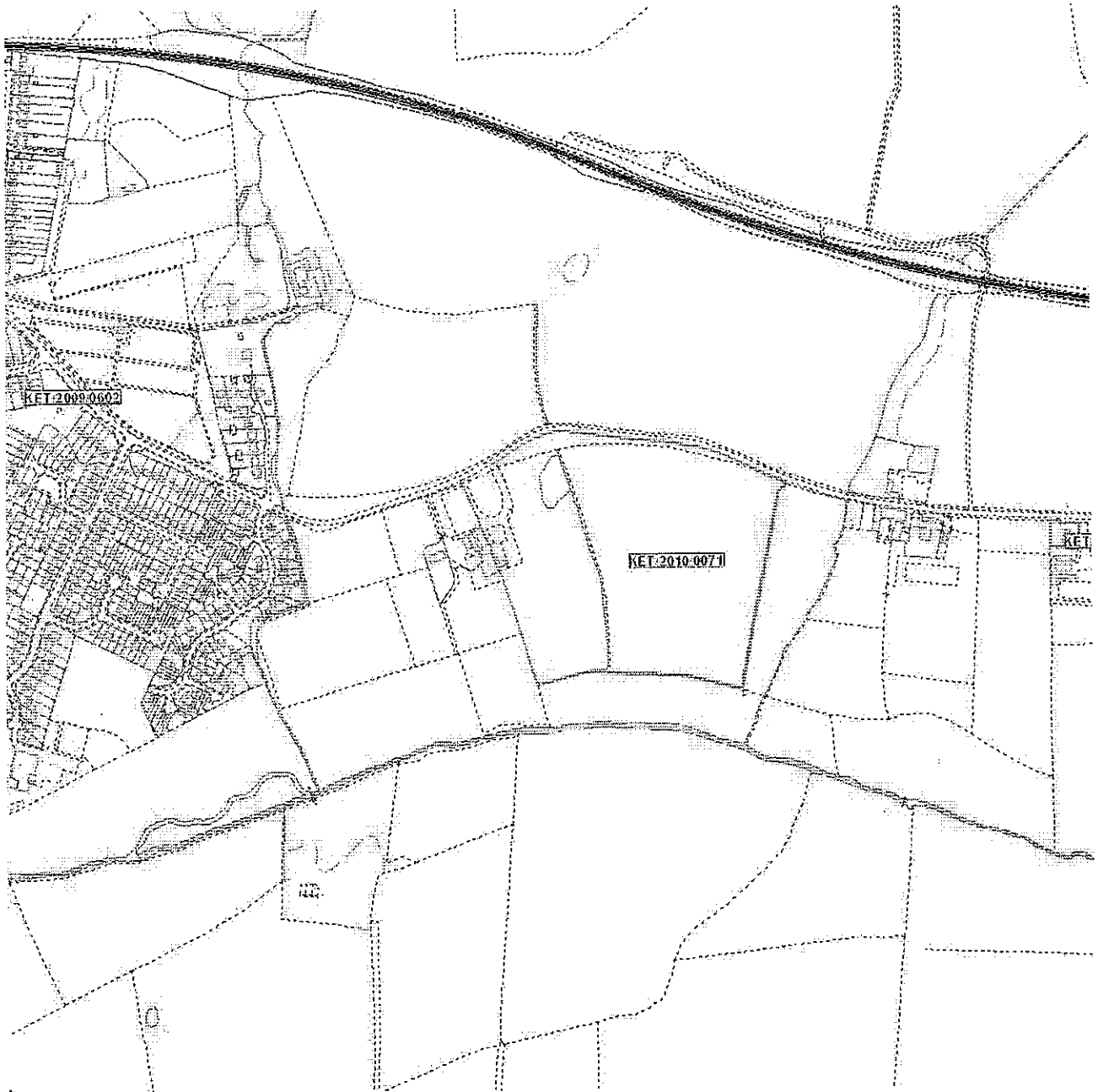
Date:

Fjola Stevens, Development Officer on 01536 534316

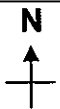


# SITE LOCATION PLAN

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



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## Full Planning Committee - 20 July 2010

### Agenda Update

#### 5.4 **KET/2010/0242**

Birchfield Lodge, Desborough Road, Rushton

Addendum to report:

Section 7, part 5. Health & Safety, Summary should read:

Following amendments to the siting and size of the proposed facilities building the HSE have no objection to the proposed development.

Amendment to recommendation:

Following the submission of additional information regarding the proposed drainage for the site the Environment Agency have withdrawn their objection to the proposal. Reason for refusal 3 (insufficient information to assess the impact of the proposed drainage) is therefore removed from the recommendation. Reasons for refusal 1 and 2 remain part of the recommendation.

Additional Comments Received:

Environmental Health

No Objection subject to condition requiring a detailed remediation scheme.

Environment Agency

No objection subject to a condition requiring full details of the proposed hatchery drainage system and a condition requiring the car parking drainage to include oil interceptors to prevent the pollution of ground and surface water.

2 no. 3rd Party Support Letters

- Will provide work when it's built, and continuous work after
- Benefit local community
- Enhance the countryside
- Room for more specimen waters in the UK
- Good road and transport networks
- Within 100 miles of the largest conurbations in the country
- Impressed with reality of figures
- Would require on site accommodation or a night watchman