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**North
Northamptonshire
Council**

Meeting: Area Planning Committee Corby
Date: Thursday 20th January, 2022
Time: 7.00 pm
Venue: The Cube, George Street, Corby, NN17 1QG

To:

Members of the Area Planning Committee Corby

Councillors Kevin Watt (Chair), David Sims (Vice-Chair), Jean Addison, Ross Armour, Lyn Buckingham, William Colquhoun, Alison Dalziel, Zoe McGhee and Simon Rielly

Substitutes:

Councillors Leanne Buckingham, Peter McEwan and Macaulay Nichol

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Adele Wylie, Monitoring Officer North Northamptonshire Council  Proper Officer Wednesday 12 January 2022			

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

This agenda has been published by Democratic Services.
Committee Administrator: Paul Goult – 01536 464013
Paul.Goult@northnorthants.gov.uk

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ITEM	NARRATIVE	DEADLINE
Members of the Public Agenda Statements	Requests to address the committee must be received by 12 Noon on the day before the meeting. Speakers will be limited to speak for 3 minutes.	12 Noon Wednesday 19 January 2022
Member Agenda Statements	A request from a Ward Councillor must be received by 12 Noon on the day before the meeting. The Member will be limited to speak for 5 minutes.	12 Noon Wednesday 19 January 2022

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Members are reminded of their duty to ensure they abide by the approved Member Code of Conduct whilst undertaking their role as a Councillor. Where a matter arises at a meeting which **relates to** a Disclosable Pecuniary Interest, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

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

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

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Minutes of a meeting of the Area Planning Committee Corby

held at 7.00 pm on Thursday 21st October, 2021

in the Members Room, Corby Cube, George Street, Corby, NN17 1QG

Present:-

Members

Councillor Kevin Watt (Chair)
Councillor Jean Addison
Councillor Ross Armour
Councillor Lyn Buckingham
Councillor William Colquhoun

Councillor Alison Dalziel
Councillor Zoe McGhee
Councillor Simon Reilly
Councillor Macaulay Nichol

20 Apologies for absence

Apologies for absence were received from Councillor David Sims.

21 Members' Declarations of Interest

Councillor Kevin Watt declared a personal and prejudicial interest in item NC/21/00216/DPA.

22 Minutes of the Meeting held on 19 August 2021

The minutes of the previous meeting were moved by Councillor Addison and seconded by Councillor Dalziel.

RESOLVED that: The Area Planning Committee Corby agreed the minutes of the meeting held on 19 August 2021.

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

The Committee considered the following applications for planning permission, which were set out in the Planning Application report and supplemented verbally at the meeting.

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

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.1 First Floor rear extension and change of use from C3 dwelling house to sui generis use for up to 15 residents (amended description) 14 Stanion Lane, Corby.</p> <p>Application No: NC/21/00308/DPA</p> <p><u>Speakers:</u></p> <p>Mrs Blackburn addressed Committee as a third-party objector on behalf of residents, the this was a Conservation area and the property should retain its character. Stanion Lane was a quiet cul-de-sac and the HMO would bring extra traffic, noise and ASB. The Councils Mission statement said Healthier, Safer Communities, the residents deserved better.</p> <p>Mr Sadarangani the applicant addressed Committee, we self-manage and there had been no issues with the HMO we currently operate. Refusal was difficult to understand, by managing we can ensure better tenants.</p>	<p>Members received a report that sought planning permission for the conversion of an existing dwelling to provide an 8-bedroom house of multiple occupation, including a first-floor extension.</p> <p>The report also detailed a parking provision for 5 cars to the rear of the property with 3 parking spaces to the front. Provision was also proposed for 5 cycles with the LPA needing to satisfy themselves of the proposed layout.</p> <p>Members raised the suitability of an HMO in this area.</p> <p>Following debate, it was proposed by Councillor Addison and seconded by Councillor Dalziel that the application be refused, in line with the officers' recommendation.</p> <p>It was agreed that the application be REFUSED on the following grounds:</p>

1. The proposal is contrary to Paragraph 134 of the National Planning Policy Framework (2021) and Policy 8 of the North Northamptonshire Joint Core Strategy in that the proposed use as an 8-bedroom 15-person property would lead unacceptable intensification of use and overdevelopment of the building and application site resulting in a significant increase in comings and goings to the detriment of the amenity of existing residential neighbours and the existing character of the local area.

(Members voted to refuse the application, in line with the Planning Officers' recommendation)

(Voting: For 9; Against 0)

The application was therefore **REFUSED**

25 **NC/21/00302/DPA - 36 Pen Green Lane, Corby**

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.2 Garage conversion to habitable room with single storey rear extension at 36 Pen Green Lane, Corby for Mr Ubhi.</p> <p>Application No: NC/21/00302/DPA</p> <p><u>Speakers:</u></p> <p>Mr Pontin addressed Committee as a third-party objector on behalf of a neighbour. There was a shared wall but no agreement had been put in place, there was concern that someone living in converted garage may complain about noise when neighbour used garage, there were covenants regarding building over waste pipes at the back of the house.</p> <p>Mr Jamieson addressed Committee as a third-party objector raising concern over parking, there had already been changes made that lead neighbours to believe this would become an HMO.</p> <p>Mrs McLeod addressed the Committee as a third-party objector, the plans were inaccurate, looks like a family home but is not, bike storage was to be created and there were concerns over illegal parking.</p>	<p>Members received a report that sought planning permission for the conversion of a garage to a living space and single storey extension to the rear.</p> <p>The proposal was acceptable in principle and would be in keeping with the character of the host dwelling.</p> <p>Following debate, it was proposed by Councillor Addison and seconded by Councillor Colquhoun that the application be refused, in line with the officers' recommendation.</p> <p>It was agreed that the application be REFUSED contrary to the officer's recommendation on the following grounds:</p>

1. The proposal is contrary to Policy 8 of the North Northamptonshire Joint Core Strategy in that it would:
 - Change the Character of the Streetscene
 - Parking issues and
 - Amenity to neighbouring property

(Members voted to refuse the application, contrary to the Planning Officers' recommendation)

(Voting: For 4; Against 5)

The application was therefore **REFUSED**

Councillor Watt left the meeting for the following item having declared an interest and Councillor Dalziel was nominated to Chair.

26 NC/21/00216/DPA - 5 Winchilsea Drive, Gretton

<u>Proposed Development</u>	<u>Decision</u>
<p>*4.3 Single Storey front and side extension, extension of existing balcony, conversion of garage to habitable room, external alterations, 5 Winchilsea Drive, Gretton.</p> <p>Application No: NC/21/00216/DPA</p> <p><u>Speakers:</u></p> <p>Mrs Bromage addressed the Committee as a third-party objector. Mr Bromage explained that now she had spoken to the applicant she would like to withdraw her objections.</p>	<p>Members received a report seeking extensions to the side and front, balcony extension, conversion of garage and external alterations.</p> <p>The application site fell inside the Gretton Conservation Area, the property was not listed and was not within a high-risk flood zone.</p> <p>Members discussed the application and Councillor Addison moved and Councillor Rielly seconded that the application be granted in line with the officer's recommendation.</p> <p>It was agreed that the application be GRANTED with the following conditions:</p>

1. The development hereby permitted shall begin before the expiration of three years from the date of this application.

Reason: As required by 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 development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with Policy 8 of the North Northampton Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To safeguard the character and appearance of the area in accordance with Policy 8 of the North Northampton Joint Core Strategy.

4. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users if 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,

1. Informatives

1. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' (or any guidance revoking and replacing this guidance with or without modification). Further guidance on Contaminated Land Investigations can be found in the [Northants Contaminated Land Group Developers Guide](#).

(Members voted to grant the application, in line with the Planning Officers' recommendation)

(Voting: For 9; Against 0)

The application was therefore **GRANTED**.

27 Delegated officers report

None.

At this point Councillor Watt returned to the meeting to Chair the Exempt Item.

28 Exempt Item

Exclusion of the Press and Public

RESOLVED that: -

The press and public be excluded from the meeting during consideration of the following reports on the grounds that they contain exempt information as defined in the Local Government Act 1972 (as amended).

29 Legal Planning Matter

The Committee received confidential legal information in relation to Appeal Reference U2805/W/20/3258705 Ashley Road and Appeal Reference U2805/W/21/3270912 Ashley Road.

Committee members considered the report, which included advice from external Counsel, together with representations from planning and legal services officers.

Following consideration of the report, the Committee agreed to move back into Public Session.

RESOLVED that:

The following reasons for refusal be submitted for the appeals –

1. The proposed development is contrary to Policies 3 and 5 of the North Northamptonshire Joint Core Strategy 2016 in that it is located within an area of special landscape value where due to the prominent siting of mobile homes, caravans and ancillary facilities, the development adversely impacts upon the rural character and appearance of a sensitive area of landscape recognised for its environmental and aesthetic qualities; and

2. In the opinion of the local Planning Authority the proposal does not provide a satisfactory means of access for residential use in that the required vehicle to vehicle visibility splays cannot be provided or maintained in perpetuity. This would not be in the best interests of highway safety in the area hindering the safe and free flow of other vehicles using the highway. The development is therefore considered to be contrary to the provisions of Policy 8 of the North Northamptonshire Joint Core Strategy 2016.

30 Close of meeting

The meeting closed at 8:35 pm.

Chair

Date

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Area Planning Committee Corby 20th January 2022

Application Reference:	NC/21/00439/DPA
Case Officer:	Fernando Barber-Martinez
Location:	15 Helmsley Way, Corby, NN18 0PA.
Development:	Proposed conversion of existing 3 bed dwelling house to create 2 x dwelling flats (1 x 1 bed & 1 x 2 bed). Including new front porch and rear single and two storey extensions.
Applicant:	Mrs L Ciobanu.
Agent:	Mr T Millican, Msquare Architects Ltd.
Ward:	Kingswood.
Overall Expiry Date:	Friday 28 th January 2022 (Agreed extension of time).

List of Appendices

None.

Scheme of Delegation

This application is brought to Committee because it falls outside of this Council's scheme of delegation that a material written objection has been received from a statutory consultee that is contrary to the Officer recommendation.

1. Recommendation

1.1 That planning permission be GRANTED subject to planning conditions.

2. The Proposal

2.1.1 The proposal is to convert the present 3-bedroom vacant end of terrace dwelling into 2 flats with 2 bed and 1 bed respectively at ground floor and first floor respectively. In order to provide adequate living accommodation a part two storey

extension (some 3 metres deep) is proposed on the rear elevation, with the first-floor massing away from the neighbour's first floor rear bedroom windows. Externally new window is shown to be provided in the side elevation.

2.1.2 A new small front porch serving both new flats is shown to the front elevation along with bin and cycle storage to the small front garden area.

2.1.3 Internally the ground floor would have 2 bedrooms, bathroom, and kitchen/living area within the new extension. At first floor there would be 1 bedroom, bathroom, kitchen and living area with a sitting area in the new first floor extension.

2.1.4 The planning application was accompanied by a Parking Report with survey undertaken on 23rd and 26th September 2021 at around 04.30 am detailing 8-10 free parking spaces along York Road in the vicinity of the application site.

3. Site Description

3.1.1 The site comprises an end of terrace render and tile dwelling at the end of a footpath from York Road (a small estate connector road) beyond which lies a large, grassed park amenity area (to the side of the property). At the time of the Case Officer's site inspection the dwelling was in a poor state of repair externally. The dwelling (in common with others in the terrace) has no dedicated off-street parking, this presumably takes place along York Road or other nearby streets.

4. Relevant Planning History

4.1.1 No recent nor relevant planning history is recorded.

5. Statutory Consultation Responses

Internal

5.1.1 Highway Engineer

The Highways Department have no objections to the proposals but would request a suitably worded condition to ensure that any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.

5.1.2 Environmental Health Officer

No objection but recommends that an HIMO informative and sound insulation informative be attached to any permission.

Advertisement/ Representation

5.2.1 The Case Officer visited the site on Thursday 11th November 2021. A Site Notice was posted on Thursday 11th November 2021.

5.2.2 Neighbours were consulted on 9th November 2021, and to date 7 representations have been received raising the following points:

- Against planning policy
- Design/Appearance
- Detriment to the visual amenity
- Highway considerations
- Increase in traffic
- Light
- Over development of site
- Overlooking
- Parking

More specifically:

- Blocking light to No13 (adjoining) and overlooking back garden;
- Anti-social behaviour and rubbish likely;
- Flats are out of character;
- Amount of people in property;
- Parking Issues already;
- Reduction in property prices (not a material planning consideration).

5.2.3 **Corby Town Council**

Objection based on concerns regarding the additional parking that would be created on the street.

6. Relevant Planning Policies and Material Considerations

6.1.1 **Statutory Duty**

Section 38(6) of the Planning and Compulsory Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan unless material planning considerations are considered to outweigh it.

6.1.2 **National Planning Policy Framework (NPPF) (2021)**

Chapter 12 Well Designed Places (in that poor design should be rejected).

6.1.3 **North Northamptonshire Core Strategy (adopted 2016)**

Policies 1 (sustainability) and Policy 8 (place shaping principles).

6.1.4 **Part 2 Corby Local Plan (adopted 2021)**

No relevant planning policies.

6.1.5 **Neighbourhood Development Plan**

There is no emerging neighbourhood development plan of any material weight in decision making.

7. Evaluation

The Key Determining Issues are:

- Principle of Development;
- Impact on the Character of Area/ Neighbouring Amenity;
- Highway Safety;
- Other Matters.

7.1 Principle of Development

7.1.1 Policy 1 of the Core Strategy seeks to deliver sustainable development through the relevant policies in the plan. Policy 8 of the Core Strategy provides place shaping principles for new development such as safe and pleasant streets, a distinctive local character, and to protect amenity, and to design out crime and anti-social behaviour.

7.2 Impact on the Character of the Area/ Amenity

7.2.1 The proposal will have a neutral impact on the visual character of Helmsley Way (as a whole) despite the addition of a small front porch. The acceptable design of the rear extension appears to have been given some thought by the architect in that the two-storey element is set away (in massing) from the adjoining dwelling (No.13) in the terrace. This means that daylight and sunlight to that house will remain within acceptable limits. With regard to overlooking of the rear garden of the neighbour- this presently takes place from upper floor windows and the proposal would be no worse than the present circumstances. Bin storage would be in a purpose-built wooden store at the front of the property. That aspect is also considered satisfactory in terms of the visual amenities of the area.

7.3 Highway Safety

7.3.1 No new highway safety or parking implications arise at this location, and on this point the Highway Engineer raises no objection. This is because a parking beat survey identified 8-10 free car-parking spaces along York Road (during the late evening/ early morning). There is a neutral change in occupancy from the present 3 bed dwelling to a 1 bed and 2 bed flat. The parking situation on York Road (while not ideal during the daytime) would remain as is.

7.4 Other Matters

7.4.1 Concern has been expressed locally about ant-social behaviour, but the scale of development is such that the proposal would generate comings and goings like the present dwelling which is not of great concern in terms of overall community cohesion.

8. Conclusion

8.1 The proposal will have a neutral impact on the visual character of Helmsley Way and does not give rise to any adverse highway or neighbouring amenity issues. This accords with the relevant development plan policies and the recently issued National Planning Policy Framework (2021).

9. Recommendation

9.1 For all the reasons considered above and weighing up the policies of the North Northamptonshire Joint Core Strategy (2016) and other material considerations it is recommended that planning permission is granted subject to the conditions set out below:

10. Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this application.

Reason: As required by 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 development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with Policy 8 of the North Northampton Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To safeguard the character and appearance of the area in accordance with Policy 8 of the North Northampton Joint Core Strategy.

4. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.

Reason: In the interest of highway safety in accordance with Policy 8 of the North Northamptonshire joint Core Strategy.

11. Informatives

1. The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants. Where the development is flats or houses in multiple occupation, this shall include individual units and shared amenity spaces.
2. All privately rented properties that provide accommodation for 2 or more households, comprising of a total of 5 or more persons (including any children, regardless of age), who are not related to each other, will be subject to the extended mandatory House in Multiple Occupation (HMO) Licensing Scheme under The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 and the Housing Act 2004, Part 2, Section 61.

For an application, please call Private Sector Housing 01536 464055.

Please be aware that a penalty of up to £30,000, plus a repayment of rent Order, may be imposed if a landlord is operating a licensable HMO without a licence.

Area Planning Committee Corby 20th January 2022

Application Reference	NC/21/00452/DPA
Case Officer	Aadil Essa
Location	37 Blenheim Walk, Corby, NN18 9HB
Development	Conversion of dwellinghouse to 3 x 1 bedroom flats, single storey rear extension and replacement first floor side extension; Associated cycle storage and car parking.
Applicant	Mrs L Ciobanu
Agent	Msquare Architects Ltd
Ward	Kingswood
Overall Expiry Date	7 th December 2021
Agreed Extension of Time	31 st January 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation given that a material written objection has been received from a statutory consultee that is contrary to the Officer recommendation.

1. Recommendation

1.1. That planning permission be GRANTED.

2. The Proposal

- 2.1 The proposal is for the conversion of the existing dwelling house into 3 x 1-bedroom flats; Single storey rear extension and replacement first floor side extension with associated cycle storage and car parking.
- 2.2 The proposed rear extension would measure 3m in depth, 3m in height and would span across the full width of the dwelling.
- 2.3 The proposal aims to sub-divide the existing garden into two sections which would provide cycle storage for four bicycles along with refuse storage for the three flats.

- 2.4 The proposal would include the provision of three parking bays towards the front of the property.

3. Site Description

- 3.1 The application site is a five-bedroom dwellinghouse located to the south-west of Corby Town Centre just north of the A6014 road within a residential area east of Kings Wood
- 3.2 The host dwelling is a terraced house which is sited at the end of a cul-de-sac with the pedestrian area known as Blenheim Walk at the rear of the dwelling.
- 3.3 The property at present comprises at ground floor a sitting room, dining room and bedroom with a further four bedrooms at first floor level. A design feature of this property is the first floor spans a pedestrian walkway with living accommodation either side of the walkway span which gives rise to an unconventional layout
- 3.4 The site is not located within a Conservation area and is not a Listed Building.

4. Relevant Planning History

- 4.1 NC/21/00238/DPA – Conversion of the house to create 5 x bedsits and erection of a single storey rear extension, and installation of 1 x roof light over existing rear roof slope; Refused 24.08.2021.

5. Consultation Responses

A full copy of all comments received can be found on the Council's website via the link below:

<https://publicaccess.corby.gov.uk/publicaccess/>

5.1 NCC Highways

No objections subject to a condition to ensure any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.

5.2 Environmental Health Officer

No objection and recommends that an HIMO informative and sound insulation informative be attached to any permission

5.3 Crime Prevention Officer

No objections to the proposal.

5.4 **Corby Town Council**

Objection to the proposal for the following reasons:

- Inadequate parking provision which would result in parking pressures within Blenheim Walk.
- Use of the property is not in keeping within the established residential area.

5.5 **Advertisement/Representations**

Public consultation was carried out by way of site notice: posted on 22.11.2021, as well as notification to the below neighbours on 18.11.2021:

- 23 Culross Walk, Corby, Northamptonshire, NN18 9JG
- 74 Culross Walk, Corby, Northamptonshire, NN18 9JQ
- Flat 2, 35 Blenheim Walk, Corby, Northamptonshire, NN18 9HB
- 33 Blenheim Walk, Corby, Northamptonshire, NN18 9HB
- 39 Blenheim Walk, Corby, Northamptonshire, NN18 9HB
- 98 – 102 Blenheim Walk, Corby, Northamptonshire, NN18 9HA
- 104 Blenheim Walk, Corby, Northamptonshire, NN18 9HB

6. Relevant Planning Policies and Considerations

6.1 **Statutory Duty**

Section 38(6) of the Planning and Compulsory Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan unless material planning considerations are considered to outweigh it.

6.2 **Policy Context:**

- 6.3 National Planning Policy Framework (NPPF) (2021)
Section 2 - Achieving Sustainable Development
Section 12 - Achieving well-designed places

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

- 6.4 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 2 – Historic Environment
Policy 8 - North Northamptonshire Place Shaping Principles

- 6.5 Part 2 Corby Local Plan (adopted 2021)

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Residential Amenity
- Highways matters

7.1 Principle of Development

7.1.1 National Planning Policy Framework sets a great weight on achieving well-designed places. According to the framework good design is a key aspect of sustainable development, creates better places and helps make development acceptable to communities. Moreover, paragraph 127 of the NPPF clearly states that developments should function well and being sympathetic to local character and history.

7.1.2 The Joint Core Strategy (2016) is also keen to ensure sustainable development through Policy 8 - Place shaping principles. It defines good design as a critical element in ensuring that new developments create sustainable, connected, characterful and healthy places which people will enjoy for years to come. In terms of character the core strategy urges that new development should either response comprehensively to the established surrounding character of the area or sufficiently distinctive in themselves.

7.1.3 It is contended that the development will be relatively sustainable and to this end will meet the requirements of Sections 2 and 9 of the NPPF and Policies 1, 11 and 29 of the Core Strategy. The proposal involves the development of land that lies within the main built-up area of Corby on a bus route, in close proximity to local infrastructure and just over half a kilometre from the Town Centre.

7.1.4 In addition, an approval of this proposal could reasonably be viewed as a marginal contribution in towards meeting the housing needs of the Borough. This would be 'in line' with the general aims of Policy 28 of the Core Strategy and the provisions of Section 5 of the NPPF, the latter stating, in part, that small sites such as this can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

7.1.5 The acceptability of the proposal will be further assessed against the impact upon the character and appearance of the area, neighbouring amenity and highway safety and access.

7.2 Character and Appearance of the Area

7.2.1 The National Policy Framework (2021) makes it very clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126).

- 7.2.2 Policy 8 of Joint Core Strategy states that development should respect and enhance local character by ensuring that it responds to its topography, wider context, the landscape setting and the local streetscape and local building material.
- 7.2.3 Finally, consistent with Policy 8 of the Core Strategy and the design-led approach advocated by the NPPF, the suitability of a development must be measured in part on its overall quality and function to ensure development is appropriately located and has regard to both the subject dwelling and the surrounding area.
- 7.2.4 The proposed development involves the subdivision of the host dwelling to create three self-contained flats. The local area comprises of a row of terraced dwellinghouses, where there is a uniform design approach amongst properties on this side of Blenheim Walk.
- 7.2.5 The single storey rear extension rear element would be obscured from view of the public realm and therefore would not have an adverse impact upon the visual amenities of the wider street scene.
- 7.2.6 Concerns have been raised pertaining to the use of the host property not in keeping with the established residential area which are of single residential use. Notwithstanding this, it is considered that whilst the host dwelling would be converted into three self-contained units, the residential use would remain the same. Furthermore, the host property would not be significantly altered in its original external appearance and would not appear out of character with the surrounding properties and residential street scene.
- 7.2.7 The proposal would utilize the existing footprint in conjunction with the proposed rear extension to accommodate the proposed dwellings along with some minor alterations and essential works. It is considered that due to the nature of the alterations, the proposal will still retain the visual outlook of the host dwelling.
- 7.2.8 Considering the form, design, and materials of the proposed internal works, it is considered that the development would not result in any substantial harm to the host building and wider character of the area
- 7.2.9 In summary, it is considered that the proposal is acceptable in terms of scale, design and appearance and would be in accordance with the high-quality aspirations of the NPPF (2021), Policies 2 and 8 of the North Northamptonshire Joint Core Strategy (2016).

7.3 **Residential Amenity**

7.3.1 **Standard of Residential Accommodation**

Policy 30 of the North Northamptonshire Joint Core Strategy stipulates the minimum space standards for new development. As such, the proposed flats would be expected to meet and where possible exceed these minimum standards.

7.3.2 In March 2015, the government launched a new approach to housing standards and published a new set of streamlined national technical standards. This included publication of technical standards – nationally described space standard.

7.3.3 The space standards deal with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of homes.

Flat 1 (Ground Floor)

Proposed Size	Proposed GIA	Proposed Storage	Minimum GIA	Minimum Storage
1 bedroom 2 persons	57sqm	1.8sqm	50sqm	1.5sqm

Flat 2 (First Floor)

Proposed Size	Proposed GIA	Proposed Storage	Minimum GIA	Minimum Storage
1 bedroom 1 person	39sqm	1.8sqm	39sqm	1.1sqm

Flat 3 (Ground and First Floor)

Proposed Size	Proposed GIA	Proposed Storage	Minimum GIA	Minimum Storage
1 bedroom 2 persons	59sqm	2.1sqm	58sqm	1.5sqm

7.3.4 As per the above tables, the proposed flats would be provided within sufficient gross internal area (GIA) and internal storage space in accordance with the minimum space standards. It is therefore considered that an appropriate level of accommodation for future occupiers is provided. Thus, the proposal would be in accordance with the objectives of Policy 8 of the North Northamptonshire Joint Core Strategy (2016) and the Technical Housing Standards – Nationally Described Space Standard (March 2015).

7.3.5 The proposed bedrooms are considered to have an acceptable outlook

7.3.6 **Neighbouring Amenity**

7.3.7 The NPPF (2021) advises that planning should seek to secure a high quality of design, a high standard of amenity for all existing and future occupiers of such conversions. Policy 8 of the NNJCS demonstrates the necessity of protecting amenity by development not resulting in an unacceptable impact of the amenities of future occupiers, neighbouring properties, or the wider area.

- 7.3.8 The proposed single storey rear extension would project 3m in depth beyond the original rear wall of the host dwelling which would be within permitted development guidelines for semi-detached and terraced dwellings. The extension would be set significantly away from the adjacent neighbouring properties to the east and west No.35 and No.39 Blenheim Walk to cause any undue harm on the residential amenities of these neighbouring occupiers. Furthermore, the extension would be of a modest height measuring 3m which would be acceptable and would not appear overbearing.
- 7.3.9 The replacement first floor side extensions would be set significantly away from the eastern and western boundary walls of the neighbouring properties and would therefore not unduly harm the residential and visual amenities enjoyed by the neighbouring occupiers.
- 7.3.10 The proposed layout and design of the new flats would not result in loss of privacy or loss of light to the adjoining neighbouring properties due to the siting and scale of the proposed conversions.
- 7.3.11 The Council's Environmental Health Officer has been consulted and has not raised any objection to the proposed development. Notwithstanding this, an informative related to acoustic separation has been suggested and has subsequently been included in the officer recommendation.
- 7.3.12 In summary, it is considered that the proposal would not adversely impact upon the residential amenities of adjoining neighbours by means of means of overshadowing, loss of light, loss of outlook or loss of privacy and would be in accordance with the requirements of Policy 8 of the North Northamptonshire Joint Core Strategy (2016).

7.4 Highways matters

- 7.4.1 Policy 8 - North Northamptonshire Place Shaping Principles of NNJCS demonstrates the necessity of making safe and pleasant streets and spaces by ensuring a satisfactory means of access and provision for parking, servicing, and manoeuvring in accordance with adopted standards.
- 7.4.2 An objection has been received in relation to insufficient parking provision which would create traffic pressures within Blenheim Walk. Notwithstanding this, the submitted plans indicate that there would be one car parking space provided for each flat (three in total) towards the front which would be sufficient. In addition to this, secure cycle storage to accommodate a total of four-cycle spaces are to be provided within the rear garden which is acceptable. Furthermore, the Local Highways Authority have not objected to the proposal given that there are no highways implications which would result from the proposal and as such the proposal will accord the above policy.

7.5 Other Matters

N/A

8. Conclusion

- 8.1 The proposed development is considered acceptable by virtue of its design, size, scale and appearance. The proposal is of a harmonious design, form, and mass. Furthermore, it would not adversely affect the amenity of surrounding neighbours. The proposal would not impede the free flow of vehicular and pedestrian movement and as such, it is considered that the proposal would be acceptable and is recommended for approval subject to conditions.

9. Recommendation

- 9.1 For all the reasons considered above and weighing up the policies of the North Northamptonshire Joint Core Strategy (2016) and other material considerations it is recommended that planning permission is granted subject to the conditions set out below:

10. Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this application.

Reason: As required by 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 development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with Policy 8 of the North Northampton Joint Core Strategy.

3. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason: To ensure that risks from land contamination to the future users if 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.

11. Informatives

1. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' (or any guidance revoking and replacing this guidance with or without modification). Further guidance on Contaminated Land Investigations can be found in the [Northants Contaminated Land Group Developers Guide](#).
2. The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants. Where the development is flats or houses in multiple occupation, this shall include individual units and shared amenity spaces.
3. All privately rented properties that provide accommodation for 2 or more households, comprising of a total of 5 or more persons (including any children, regardless of age), who are not related to each other, will be subject to the extended mandatory House in Multiple Occupation (HMO) Licensing Scheme under The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 and the Housing Act 2004, Part 2, Section 61.

For an application, please call Private Sector Housing 01536 464055.

Please be aware that a penalty of up to £30,000, plus a repayment of rent Order, may be imposed if a landlord is operating a licensable HMO without a licence.

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Area Planning Committee Corby 20th January 2022

Application Reference	20/00365/OUT
Case Officer	Farjana Mazumder
Location	Land at Bangrave Road, Corby, Northamptonshire
Development	Outline Planning Application for the Erection of Employment Units (Classes B2, B8 & E) with Associated Car Parking, Servicing and Landscaped Areas. All Matters Reserved except Access.
Applicant	The Hub (NW) Limited
Agent	Savills (UK) Limited
Ward	Stanion And Corby Village
Overall Expiry Date	3 rd December 2020
Agreed Extension of Time	31 st January 2022

List of Appendices

None.

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are 3 or more written objections to the proposal and comes before the Area Committee for resolution.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 The applicant seeks consent for outline planning permission for the erection of employment units (Classes B2, B8 & E) with associated car parking, servicing and landscaped areas with layout, appearance, scale, and landscaping reserved except access.

2.2 The applicant has submitted a series of illustrative drawings to demonstrate how the level of units pro-posed might be accommodated on the site.

- 2.3 Access into the site is to be taken from an existing junction located on the roundabout, at the junction of the A43 and A6116 on Bangrave Road.
- 2.4 It should be noted that the submitted plans are to be treated as illustrative only where the plans relate to layout, appearance, scale, and landscaping.

3. Site Description

- 3.1 The Site is located to the south of Bangrave Road (A43). The site is on a greenfield and comprises approximately 1.87 ha. of land. The subject site is bounded by the residential areas of Weldon to the east, Weldon North Industrial Estate to the north and west and to the south of the Site lies a heavily vegetated woodland area.

4. Relevant Planning History

- 4.1 93/00045/CO- land off Bangrave Road South-Weldon - The construction of an earth bund. Application permitted on 09.03.1993.
- 4.2 95/00061/CO- Renewal of outline permission for restaurant, tyre service and petrol filling station. Application permitted on 27.03.1995.
- 4.3 02/00336/DPA- B1, B2, B8 building with associated service yards, lorry loading and parking. Application permitted on 22.11.2002.
- 4.4 02/00457/DPA- B1, B2, B8 building with associated service yards, lorry loading and parking. Application permitted on 13.03.2003.
- 4.5 03/00400/DPA- B1 and B8 building with associated service yards, lorry loading and parking. Application permitted on 17.12.2003.
- 4.6 04/00068/DPA- B1, B8 building with associated service yards, lorry loading and parking. Application permitted on 24.05.2004.
- 4.7 04/00081/ADV- Signs to warehouse. Application permitted on 18.05.2004.
- 4.8 04/00422/DPA- Two B1, B8 buildings with service yards, lorry loading and parking. Application permitted on 17.03.2005.

5. Consultation Responses

Internal

- 5.1 **Environmental Health:** (22.09.2020) Council's Environmental Health Officer (EHO) was consult-ed in relation to air quality, ground contamination and noise impact due to the proposed development. Further information has been requested by EHO to fully assess the air quality, ground contamination and noise impacts.
- (30.09.2020) Council's Environmental Health Officer (EHO) was re-consulted in relation to additional information provided by the applicant. In regard to control matters related to air quality, ground condition and noise impact, the EHO has

confirmed acceptability of robust planning condition to address the potential for a negative impact on residential amenity.

- 5.2 **Local Plans Section-** (10.09.2020) No objection. Local Plans officer has recognised that permission has previously been granted on this site for the development of restaurant, tyre/servicing bay and a petrol filling station in December 1991 and for the construction of two class B1, B8 buildings in March 2005, however these permissions have time expire without commencement of either scheme.

As the site is located within the urban area of Corby, in general terms, the NPPF promotes a presumption in favour of sustainable development within the established built-up areas of the town, provided that all other material considerations can be satisfied.

In relation to the proposed development, the Officer acknowledges that policies 11, 22 and 24 of the Joint Core Strategy support the employment components of the proposal in principal, subject to all other material considerations being satisfactorily addressed.

- 5.3 **Tree Officer-** (16.10.2020) Tree officer has been consulted on the proposed development and assessed the Arboriculture Report submitted by the applicant. The officer provided the following observation:

The Tree Report Conclusions offer sound advice on reasoning for tree removal, trees to be retained and compensatory locations for replacement planting and as long as advice in report is followed to protect retained trees, working around birds nesting season for tree removal and re-planting is proposed and agreed, with native species, I have no objection to make.

- 5.4 **Crime Prevention Officer-** (10.09.2020) No Objection. Crime prevention officer was consulted on this application and provided the following key observation which should be considered at the detail design stage:

1. The hedgerow along Bangrave Road and the wooded land to the southeast perimeter will reduce the surveillance into the development. There are vehicular tracks and PROW to the southeast which could make the units vulnerable to crime.

2. The full boundary of the site will need securing and I would strongly recommend that the road to the south of the 'Drive thro' is barrier controlled when the units are unoccupied. Any pedestrian access points within the site boundary will need to be access controlled.

3. A lighting plan will need to be submitted indicating lux levels, uniformity, and a switching strategy.

4. CCTV should be installed to cover the development. This should be capable of being immediately monitored if the system is activated during periods of unoccupancy.

5. All unit openings, doors/windows, must be certified to secure standards – LPS1175 SR2 or equivalent.

6. All safety and easily accessible glazing should include at least one pane of safety laminated glass successfully tested to a minimum of BS EN356:2000 class P1A. On double glazed units I recommend the toughened pane to be on the external side. Grilles may be an alternative.

7. Intruder alarms for individual units should be fitted and be of a type to summon a response from a keyholder on activation.

5.5 **Local Highways Authority-** (25.09.2020) Local Highways Authority were consulted on the application and requested further information to fully assess the proposal. Key concerns cover the angle of the existing junction, access safety in relation to bus access, pedestrian and cyclist access, intensification of round-about, Transport Assessment data, Road Safety Audit (RSA), travel plan, diversion of Public Rights of Way (PRoW) etc.

(07.12.2020) LHA was re-consulted on the revised layout and additional information were submitted by the applicant. Highway officer requested further information to fully assess the proposal and raised concerns in relation to access, crashmap, assessments, RSA, rates, NMA access and connectivity, PRoW, diversion orders and travel plan.

(17.12.2021) Further clarification has been provided by the applicant to address highways concerns. After careful consideration highways have removed their objection subject to planning condition related to construction management plan, access details and the implementation of the Travel Plan.

Highways final observations are as follows:

Observations:

- *The revised development proposals remove the Drive-thru Restaurant element and therefore the LHA recommendations are provided on this basis only.*
- *The applicant has now provided appropriate assessment of the development impacts and demonstrated that the additional development trips do not represent a severe impact on the highway network.*
- *The supporting Road Safety Audit identifies no significant highway concerns that cannot be addressed and therefore we offer no further comment at this stage.*
- *As currently presented we do not consider that the LHA can sustain an objection however the implementation of the site access works may be problematic for the applicant as they will have to await the completion of the works currently ongoing at the Steel Road roundabout but also the maintenance period of these works which will be 1 year post completion.*
- *The proposed access needs to be completed prior to the commencement of any material work on the development site as otherwise it would be considered unsafe. To clarify it would be inappropriate to use the existing access for construction vehicles and construction works associated as such we require a suitably worded condition ensuring the proposed works to the access are complete prior to any works starting on the internal site in the interests of highway safety.*

5.6 **Environment Agency-** (10.09.2020) No comments/objection.

5.7 **Lead Local Flood Authority (LLFA)-** (22.09.2020) County drainage officer was consulted on this application and requested further information to fully assess the proposal.

(09.12.2020) Further consultation has been carried out with LLFA on the additional information provided the applicant. Drainage Engineer have

assessed the additional information and recommended planning conditions related to surface water drainage scheme, management and maintenance of the surface water drainage system and Verification Report.

5.8 **Anglian Water-** (09.09.2020) No objection. Suggested condition related to *surface water management strategy*.

5.9 **Weldon Parish Council:** (30.09.2020) Weldon Parish Council was consulted in regard to this application and offered the following comments:

We refer to Planning application 20/00365/OUT, Weldon Parish Council OBJECTS on the following grounds.

a. The proposed restaurant has been classified as 'main town' by CBC, we understand the Applicant has to demonstrate that there are no sequentially preferable sites for it as required by Paragraph 86 of NPPF, which they have not done.

b. The roundabout for the proposed access and egress is not designed to have frequent traffic movements from this entry. Traffic travelling west passes the entrance at relatively high speed, it is our opinion that increased traffic will compromise safety, so this is not a suitable site or access for a fast-food outlet or start up units. If fully utilised the number of start-up units alone would generate a significant amount of entering and emerging traffic. c. There is already a fast-food outlet less than 400 m from the proposed site.

d. The nature of the existing fast-food outlet at the next roundabout generates litter and vermin problems for residents which are likely to be replicated at this site if allowed to proceed.

e. The developer does not own the land that it is proposing to use as an access point.

f. The applicant states that there will be 89 full time jobs created by the proposal. This is an outline application, and the nature of future businesses and 82/88 use is unknown at this stage, we strongly challenge this statement as misleading. Also, there are hundreds of similar units in the Corby area, many are unused. Why are more proposed, particularly in this time of economic uncertainty.

g. The answer to question 19 should be 'Not Known' not N/A (not applicable)

h. Questions 20 & 21 have been responded to as 'no' when they are clearly unknowns at this stage so should either have been left blank or the answer qualified in some way.

i. The Application does not acknowledge the CBC declared Climate Emergency, and how this scheme will address this. We expect to see proposals for futureproofing, energy conservation, contribution community improvements and enhancement and improving biodiversity, and proposals for minimising and future reductions of carbon footprint.

j. There are a number of errors, inaccuracies, and misleading statements on the application, including but not restricted to

1. The hours of opening are stated as not relevant when they clearly are, the proposed complex will interrupt the quiet enjoyment of the existing private residential properties to the east and south of the proposed complex.

2. The application states that there is no flood risk, Anglian Water state that the flood risk assessment carried out by the developer is not acceptable and that desktop analysis has concluded that the proposed

development will lead to an unacceptable risk of flooding downstream. We are aware of flooding incidents due to surface water drainage in Water Lane, Chapel Rd and Bridge Street spanning back many decades, This experience means it is our belief that further development will exacerbate this. If there were a major fire at one of the units the volume of water used by the fire service may well pose a similar flood risk to that posed by rain fall.

3. In answer to the question 'Are there trees or hedges on land adjacent to the proposed site that could influence the development or might be important as part of the local landscape character' the applicant has responded 'no'. This site is part of the green 'ribbon' and essential buffer between Corby and Weldon. It is our belief the area also provides an important buffer zone between the traffic and industrial noise of the area to the north and east. There is no acknowledgement or assessment of this, we expect the obligation be placed on the applicant to ensure there is no effect on the quiet enjoyment of the residential properties in the vicinity, from existing and increased traffic using the A43 and the proposed complex.

4. The Anglian Water ponds also provide the basis of a local wildlife zone, and existing invaluable and precious biodiversity which has established over the past 35 years, the there is no acknowledgement or assessment of this.

5. The contaminants survey of the site involving a limited number of test pits has concluded that there is no arsenic or heavy metal contamination this does not prove that the site is contaminant free as there may be localised pockets of such contamination. It is known that waste from the nearby steelworks was in the past dumped on the site.

Savills accompanying letter misleads by stating that there are 'no unacceptable impacts', this is a subjective opinion only when quite clearly there are significant negative impacts in respect of traffic hazards created by the site access, potential flooding, noise pollution, potential odours, and loss of wildlife habitat.

It is the Parish Councils opinion that development of this site is wholly unacceptable.

- 5.10 **Ecologist**- (30.09.2020) Council's Ecologist initially raised two main concerns which relates to the submitted Ecological Reports and biodiversity net gain.

(15.12.2020) Extensive discussion have taken place with the Council's Ecologist in terms of net biodiversity gain. It is recommended that a pre-commencement condition for a biodiversity net gain assessment using the Defra 2.0 (or successor) metric should be imposed to control this matter.

- 5.11 **Northamptonshire County Council Key Services (Broadband) and Northamptonshire Fire & Rescue Service (NFRS):**

(23.09.2020) NCC Fire and Rescue, and Broadband Services were consulted on this application. The response follows the principle guidance in the County Council's adopted Planning Obligations Framework and Guidance Document (2015). The officer also stated that an assessment of the site will need to be undertaken by the Water Officer of Northamptonshire Fire and Rescue Service in order to establish the precise requirement, however, it is expected that this

development may require a minimum of 1x fire hydrant to be provided and installed.

In terms of Broadband Services, it is recommended that early registration of development sites is key to making sure the people moving into the proposed developments get a fibre based broadband service. In addition, it is advised that ducting works are carried out in co-operation with the installations of standard utility works.

5.12 **Neighbours-** Letters were sent to 54 neighbouring units with consultation period expiring on 28th September 2020. LPA have received 21 letters of objection from neighbours and 2 letters of objection from Councillors. The main objections to the proposal can be summarised as follows:

- Location of development
- Impact of the proposed development upon the town centre
- Impact on natural barrier between Corby and Weldon
- Loss of privacy
- Visual amenity
- Inadequate land to accommodate sufficient parking/loading/turning provision
- Highway safety issue and increased traffic generation
- Potential nuisance through noise/ odour
- Loss of trees
- Impact on wildlife
- Effects on listed building and Conservation Area
- Flood risk
- Inconvenience caused by building works
- Impact on crossing
- Elimination of turning area
- Possible damage to the local environment
- Possible pollution implications
- Potential risk of contamination

Full versions of the comment can be viewed on the Council's website on the link below:

<https://publicaccess.corby.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QG38RBFFM6200>

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 2021:

2 Achieving sustainable development

6 Building a strong competitive economy

- 7 Ensuring the vitality of town centres
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment

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

- 6.3 North Northamptonshire Joint Core Strategy (NNJCS) (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 9 (Sustainable Buildings)
Policy 10 (Provision of Infrastructure)
Policy 11 (The Network of Urban and Rural Areas)
Policy 12 (Town Centres and Town Centre Uses)
Policy 15 (Well-connected Towns, Villages and Neighbourhoods)
Policy 18 (HGV Parking)
Policy 22 (Delivering Economic Prosperity)
Policy 23 (Distribution of New Jobs)
Policy 24 (Logistics)

- 6.4 Part 2 Local Plan For Corby, 2021
Part 2 Local Plan was adopted in September 2021 and form part of the North Northamptonshire Development Plan.

7. Evaluation

The key issues for consideration are:

- Principle of Development;
- Employment
- Landscaping and Biodiversity;
- Access and Parking;
- Flood Risk and Drainage.

7.1 Principle of Development

7.1.1 Key material considerations in this case include the National Planning Policy Framework (2021), Planning Practice Guidance (as amended), North Northamptonshire Joint Core Strategy (2016), Saved Local Policies (1997) and Employment Land Review (2018) and Part 2 Local Plan for Corby (2021).

7.1.2 The site is located within the urban area of Corby. In general terms, NPPF promotes a presumption in favour of sustainable development within the established built-up areas of the town, provided that all other material considerations are satisfied.

- 7.1.3 Policy 11 of the Joint Core Strategy sets out that Growth Towns, such as Corby, will provide the focus for major coordinated regeneration and growth in employment, housing, retail, and higher order facilities. Therefore, this policy supports proposals which provide employment that supports regeneration and growth. This proposal would achieve that. This proposal would also contribute towards the requirement of 9,700 jobs in Corby as set out in Policy 22 of the Joint Core Strategy.
- 7.1.4 Policy 24 of the Core Strategy reveals that North Northamptonshire's central location and excellent strategic road connections has made it a centre for the logistics (B8) industry with a substantial increase in the stock of buildings over the last 10 years. This policy also sets out criteria that must be satisfied for logistic development.
- 7.1.5 Therefore, Policies 11, 22 and 24 of the Joint Core Strategy support the employment components of the proposal in principle. However, further assessment is required to all other material considerations to identify whether they are satisfactorily addressed to comply fully with the above Policies.

7.2 Employment

- 7.2.1 Policy 24 of the Joint Core Strategy sets out criteria that must be satisfied for logistic development. It is note that the proposal has good access to the strategic road network and to local labour. Other considerations are considered and discussed in relevant sections of this report which includes impact on amenity and landscaping, highway safety in accordance with Policy 24. The Plan also aims to ensure that, as minimum, North Northamptonshire delivers enough new jobs for the labour force arising from planned population growth, plus additional jobs in the southern area to help reduce levels of out commuting.
- 7.2.2 Corby has experienced job losses in the manufacturing sector. Whilst this sector still plays an important part in the local economy, investment interest is low. Warehousing and distribution ('logistics' floor-space) has seen the strongest growth. The Council is in a good position to influence this growth though the nature of the permissions it approves. B8 use includes the nationally growing importance of logistics' (the management of the flow of goods). This means that the buildings here may support a range of complex activities from -
- the outsourcing of warehouse functions (products sourced from overseas, sorted and managed here)
 - adding value with final assembly, packaging, and maintenance
- 7.2.3 A permission sought here may result in E (Commercial, Business and Service), B2 (General industrial) and B8 use (warehousing /distribution). The proposed development is expected to create 89 full-time equivalent (FTE) jobs. The submitted planning and economic statement also demonstrates that local people will be employed to fill the newly created positions for this development. The direction of emerging local planning policy also supports deliverable employment sites and encourages employment diversity.

7.2.4 In the light of the above, it is considered that the proposed development would support the local economic growth and productivity by taking into account the wider opportunities for development. Therefore, the proposed scheme conforms with NPPF in building a strong, competitive economy.

7.3 Landscaping

7.3.1 The application site is located within the urban boundary on a greenfield land. The Local Plan is very explicit in requiring the highest possible standards of design and environmental performance through maximising the use of sustainable design and construction techniques.

7.3.2 Policy 8 stresses the need for creating distinctive local character by responding to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation.

7.3.3 Policy 24 demonstrates that the benefits of accommodating the logistic sector must be balanced against the impacts in terms of their significant land take, HGV movements, visual, landscape and amenity.

7.3.4 Paragraph 170 of NPPF also suggests the need for minimising the impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.

7.3.5 Arboricultural Report was submitted which demonstrates the reasoning for tree removal, trees to be retained and compensatory locations for replacement planting, protection of retained trees, working around birds nesting season for tree removal and re-planting with native species. Council's Tree Officer has reviewed the report and are satisfied with proposed measures.

7.3.6 Whilst this is an outline application it has already been recognised that significant weight should be given to conserve the landscape and visual impact in order to conform with NPPF requirements. The Framework suggests that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.

7.3.7 The proposed development will comprise industrial buildings along with associated infrastructures. The buildings will be single storey in height and will be laid out in 5 separate Blocks, providing a total of 40 separate units.

7.3.8 It is important to note that the application is in outline with landscaping reserved. The critical matter in this respect is whether it is possible to accommodate sufficient and appropriate levels of tree planting within the development. The LPA considers that this is possible with careful consideration at the design stage and therefore it would be difficult to substantiate a landscaping reason for refusal at this stage.

7.4 Access and Parking

- 7.4.1 Access to the site is proposed via the existing roundabout on Bangrave Road (A43). The amended proposal would provide a total of 3258m² of floorspace. This would include a E (Commercial, Business and Service), B2 (General industrial) and B8 use (warehousing /distribution) with new access, associated car parking and landscaping with 89 FT employees. The Sui Generis use (restaurant) previously proposed has been replaced with 792 sq. m of small to medium sized employment development.
- 7.4.2 Extensive consultation has been carried out with the former County Highways department in relation to highway issues and the highway officer confirmed initially that the submitted information is insufficient to carry out necessary assessment. Objection has been raised by Highway Officer and key concerns raised are related to access, crashmap, assessments, RSA, rates, NMA access and connectivity, PRoW, diversion orders and travel plan.
- 7.4.3 Applicant has provided additional information along with revised drawings to address highway's concern. After careful consideration highways authority has removed their objection subject to pre-commencement conditions related to submission of full access details, implementation of Travel Plan and CTMP.
- 7.4.4 Overall, it is considered that the proposal would conform with JCS Policies and the NPPF which seek to ensure new development meets the need of the area without compromising the safe and satisfactory operation of the highway network.

7.5 Ecology

- 7.5.1 Policy 4 of the North Northamptonshire Joint Core Strategy protects existing biodiversity and geodiversity assets, including refusing development proposals where significant harm to an asset cannot be avoided, mitigated or, as a last resort, compensated. This includes sites of Special Scientific Interest.
- 7.5.2 The NPPF in paragraph 170 suggests that recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. It also states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.5.3 The County ecologist and Wildlife Trust were consulted on this application and provided their observation on the mitigation measures of proposed development. Concerns have been raised by the Council's Ecologists in terms of net gain of bio-diversity due to lack of clear evidence how net gain would be delivered in accordance with the NPPF. Extensive consultation has been carried out in order to address this concern and it is agreed that a suitably worded condition related to net gain could be a way forward. It is considered that the present proposal is acceptable at this stage of the process subject to contribution towards net gain at the design stage.

7.6 Flood Risk and Drainage

- 7.6.1 Policy 5 (Water Environment, Resources, and flood risk management) of Joint Core Strategy reflects how development should contribute to reducing the risk of flooding and also protecting the quality of the water environment. The above policy also states that 'development should be designed from the outset to incorporate Sustainable Drainage Systems wherever practicable, to reduce flood risk, improve water quality and promote environmental benefits. This consideration is reiterated in the NPPF, which states that development should ensure that flood risk is not increased elsewhere.
- 7.6.2 The application site is located within Flood Zone 1, which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year.
- 7.6.3 A Flood Risk Assessment (FRA) along with a drainage strategy has been submitted to outline the potential for the site to be impacted by flooding; the potential impacts of the development on flooding both onsite and in the vicinity, and the proposed measures which can be incorporated into the development to mitigate the identified risks.
- 7.6.4 The FRA has been examined by the Lead Local Flood Authority. Concerns were raised initially by the drainage engineer and requested additional information to fully assess the proposal. Additional information along with a revised Drainage Strategy has been submitted by the applicant to address the raised concerns. Further assessment was undertaken by LLFA and removed their objection, subject to conditions related to surface water drainage scheme, management and maintenance of the surface water drainage system and Verification Report.
- 7.6.5 The proposal as submitted is therefore considered to be acceptable and in accordance with the Core Strategy and NPPF.

7.7 Air Quality and Noise Impact

- 7.7.1 The proposals have the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation. As such, an Air Quality Assessment was requested by CBC in order to determine baseline conditions and assess potential effects as a result of the scheme.
- 7.7.2 During the construction phase of the development potential air quality impacts as a result of fugitive dust emissions from the site has been identified. These were assessed in accordance with the IAQM methodology. It is also considered that good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities would not be significant.
- 7.7.3 It is also recognised that potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site.

7.7.4 The above assessment is necessary to comply with Policy 8-Place Shaping Services of the JCS, which states that permission will not be granted for development resulting in unacceptable levels of noise. The Senior Environmental Health Officer was consulted in regard to noise and vibration and no objection has been raised.

7.7.5 Council's Environmental Health Officer (EHO) was consulted in relation to air quality, ground contamination and noise impact due to the proposed development. Further information has been requested by EHO to fully assess the air quality, ground contamination and noise impacts. Council's Environmental Health Officer (EHO) was re-consulted in relation to additional information provided by the applicant. In regard to control matters related to air quality, ground condition and noise impact, the EHO requested additional information to fully assess the proposal as the submitted information is not considered sufficient.

8. Conclusion/Planning Balance

8.1 The outline application is considered acceptable. The details hereby submitted do not cause any significant harm to the amenity of the nearby occupiers or result in overdevelopment of the site and will not give rise to any undue highway safety concerns. The proposal is therefore considered in accordance with Policies 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 15, 18, 22, 23 and 24 of the North Northamptonshire joint Core Strategy, National Planning Policy Framework and no other material considerations indicate that the policies of the development plan should not prevail, furthermore the decision has been reached taking into account the National Planning Policy Framework.

9. Recommendation

9.1 It is therefore recommended that the application be Approved subject to conditions as set out below.

10. Conditions

1. Application for approval of the reserved matters shall be made to the council before the expiration of 3 years from the date of this permission. The development hereby permitted shall begin no later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

- Location Plan, Dwg. No.- LP
- Indicative Proposed Site Plan, Dwg. No.-16-1105/103, Rev- C
- Proposed Site Access, Dwg. No.- 16-1105/107 Rev-B
- Transport Assessment, August 2020

- Transport Assessment Addendum, ref: T003, July 2021
- Travel Plan, August 2020
- Highways Technical Note, dated January 2021
- Highways Technical Note, dated February 2021
- Stage 1 Road Safety Audit, dated November 2021 (& Designer's Response)
- ARBORICULTURAL IMPACT ASSESSMENT SURVEY & REPORT, ref: BG18.360 dated February 2019
- Correspondence ref 20-1175.01 dated 10th November 2020 prepared by Delta-Simons
- Email received from Joshua Rigby Joshua.Rigby@deltasimons.com dated 25/11/2020
- Planning and Economic Statement, September 2020
- Design and Access Statement, dated 03 August 2020

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy 2016.

Air quality

3. Any reserved matters application shall include a Emission Mitigation Assessment (see page 10 of the [Air Quality and Emissions Mitigation Guidance for Developers](#)) and propose a scheme of mitigation appropriate to the development for approval in writing by the LPA. Once approved the scheme of mitigation shall be implemented according to the approval and thereafter maintained in this approved state.

Reason: To prevent a cumulative increase in background levels of air pollution by encouraging emission reductions through mitigation and behavioural change and to protect the amenity of any residents.

Development on land affected by contamination

4. 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 parts A to C have been complied with.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale, and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '[Land Contamination: Risk Management](#)' (or any guidance revoking and replacing this guidance with or without modification)'.

B. 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.

C. 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 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.

Unexpected Contamination

5. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Local Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Local Planning Authority has been given shall development works recommence.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors.

Noise – External Plant

6. Any reserved matters application shall include a noise assessment submitted for approval that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS 4142:2014+A1:2019. Once approved the development shall commence according to the approval and thereafter maintained in this approved state.

Reason: To prevent an increase in background noise levels and protect the amenity of any residents.

Informative: *The applicant should be aware that the local planning authority requires the noise from any external plant in a noise sensitive location to be a minimum of 5dB(A) below the existing background level of noise, with no significant tonal characteristics. This is to ensure that there is no impact on residential amenity and reduces the likelihood of a cumulative increase in background noise from all developments in the area. The applicant should ensure they have demonstrated compliance with sections e(i) and e(ii) of Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 namely to ‘Ensure quality of life and safer and healthier communities by:*

- i. Protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties, or the wider area, by reason of noise, vibration, (smell, light or other pollution, loss of light or overlooking);*
- ii. Preventing both new and existing development from contributing to or being adversely affected by unacceptable levels of (soil, air, light, water or) noise pollution (or land instability);*

and that they have considered the ‘agent of change’ principle in accordance with paragraph 187 of the National Planning Policy Framework 2021. Applicants should also have regard to the ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.

Construction Management Plan

7. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority. The CMP shall detail the following:
- the parking and turning of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;

- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for waste minimisation and recycling/disposing of waste resulting from the construction works.
- design of construction access
- hours of construction work
- measures to control overspill of light from security lighting

The approved method statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of highway safety and residential amenity in accordance with Policy 13 of the Core Spatial Strategy.

Informative: *Contractors and sub-contractors must have regard to BS 5228-2:2009+A1:2014 "Code of Practice for Noise and Vibration Control on Construction and Open Sites", the 'IAQM Guidance on the assessment of dust from demolition and construction' and the Control of Pollution Act 1974.*

Local residents that may be affected by the work shall also be notified in writing, after approval is received from the LPA or Environmental Health.

Works audible at the site boundary outside the approved hours may result in the service of a Notice restricting the hours. Breach of the notice may result in prosecution and fines of up to £5000 plus £50 for each further breach and/or six months imprisonment.

Highways

8. No commencement of the internal development shall be commenced until access details to include drainage, lighting, signage, construction, and layout details has technical approval and is constructed in full.

Reason: To ensure that the access serving the development is completed and maintained to the approved standard, and are available for use by construction traffic and other users of the development, in the interest of highway safety.

9. No part of the development shall be occupied prior to implementation of the Approved Travel Plan (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking, and cycling in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

10. Prior to commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority for agreement in writing, after which any demolition, site clearance and construction shall be carried out in accordance with the agreed Construction Management Plan. The CTMP should include (but not be limited to):
- Construction traffic routing information to include size of vehicle and tracking drawings. Any proposed abnormal loads will require separate approval. Abnormal due to weight of load, please contact northantsabload@kierwsp.co.uk Abnormal due to width or height of load, please contact mail@northants.police.uk
 - Tracking required to demonstrate access into / out of the site and sufficient set back of the gates. This is to be conducted with the largest construction vehicle that will be accessing the site.
 - Details of wheel washing facilities,
 - Details of mud and dust mitigation,
 - Details of hours of operation and construction parking facilities,

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

Net gain

11. Prior to commencement of development a biodiversity net gain assessment using the Defra 2.0 (or successor) metric has been submitted and approved in writing by the local planning authority.

Reason: To ensure that the development makes a contribution towards a net gain in biodiversity across the plan period, in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

Tree Protection

12. No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees specified within the *ARBORICULTURAL IMPACT ASSESSMENT SURVEY & REPORT, ref: BG18.360 dated February 2019*. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted, or destroyed or dies, another tree shall be planted at the same place and that tree shall be of

such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area. This will ensure the development is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Landscape Scheme

13. No building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

Drainage

14. Before any above ground works commence full details of the surface water drainage scheme for the site, based on the Correspondence ref 20-1175.01 dated 10th November 2020 prepared by Delta-Simons will be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include;
- i) Details (i.e., designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets, and attenuation structures.
 - ii) Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
 - iii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
 - iv) Confirmation from the Water Authority of permission to discharge

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

15. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of which organisation or body will be the main maintaining body where the area is multifunctional (e.g., open space play areas containing SuDS) with evidence that the organisation/body has agreed to such adoption. The scheme shall include, a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used. A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site. Details of expected design life of all assets with a schedule of when replacement assets may be required

Reason: To reduce the risk of flooding both on and off site in accordance with the NPPF and Policy 5 of the Core Strategy for North Northamptonshire by ensuring the satisfactory means of surface water attenuation and discharge from the site and to ensure the future maintenance of drainage systems associated with the development.

16. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the Correspondence ref 20-1175.01 dated 10th November 2020 prepared by Delta-Simons has been submitted in writing by a suitably qualified drainage engineer and approved by the Local Planning Authority The report shall include:
- a) Any departure from the agreed design is keeping with the approved principles
 - b) Any As-Built Drawings and accompanying photos
 - c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
 - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
 - e) CCTV confirmation that the system is free from defects, damage, and foreign objects

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

11. Informatives

- 11.1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework 2021 to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Joint Core Strategy Adopted July 2016, Part 2 Local Plan For Corby Adopted September 2021, Supplementary Planning Documents, Planning Briefs, and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.



Planning Appeal Decision Letters

- (a) Millstone Mushrooms, Corby Road, East Carlton, Market Harborough**
- (b) 4 Caistor Road, Gretton**



Appeal Decision

Hearing Held on 19 October 2021

Site visit made on 20 October 2021

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal Ref: APP/U2805/X/21/3266883

Millstone Mushrooms, Corby Road, East Carlton, Market Harborough

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Stonegate Limited against the decision of Corby Borough Council.
 - The application Ref 20/00438/CLE, dated 14 October 2020, was refused by notice dated 30 November 2020.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended ('the 1990 Act').
 - The development for which a certificate of lawful use or development is sought is free-range production/poultry building, associated yard and access road.
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Preliminary issues

3. Corby Borough Council is now part of North Northamptonshire Council due to local government reorganisation.
4. The address of Millstone Mushrooms used on the application and the appeal forms is not correct as this is a separate site located on the opposite side of the A427. The plans attached the LDC application identify the site and it is better described as Land South of A427, Corby Road, East Carlton, LE16 8YB.

Main Issue

5. The proposed development is lawful if no enforcement action can be taken in respect of it and provided it does not contravene the requirements of any enforcement notice then in force¹. The Council confirmed that there has not been an enforcement notice served relating to the appeal site. The issue is

¹ Section 191(2) of the 1990 Act

therefore whether enforcement action in respect of the proposed operations could have been taken at the date of the application (14 October 2020) and more specifically whether development had commenced under planning permission reference CO92/C212 ('the 1993 Permission') so that it is still extant.

6. Section 56(2) of the 1990 Act provides that '*development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.*' It is therefore necessary to consider what works have taken place, whether they constitute a material operation and whether they are part of the approved permission.

Facts

7. The 1993 Permission was granted subject to conditions on 5 February 1993 for the '*Layout of land and construction of buildings for poultry rearing and egg production with associated roads and access to the A427*'. Condition 1 provided that development must be begun not later than the expiration of 5 years from that date. (i.e. before 5 February 1998).
8. Condition 4 states:
'Vehicular access to the site shall be via a single entrance/exit road connecting to the A427 at rightangles to the carriageway at a position to be approved by the Planning Authority in consultation with the Highway Authority and laid out and constructed in accordance with details of width, gradient, radii, and visibility splays and incorporating measures for channelisation of traffic all to be submitted to the Planning Authority for approval and to be finished and surfaced to an approved interim standard before any other development commences on site.'
9. The appellant has submitted evidence that part of the access road was built just prior to the expiration of the 1993 Permission. During my site visit I was able to see the physical works as shown on the photos submitted by the appellant. There was a concrete hard surface of between 15 – 20 meters and then a longer loose hardcore track along the route visible on the Googlemap image (also submitted as part of the evidence). The boundary hedge to the A427 is still in place, as shown on the photographs.
10. The appellant provided correspondence from the developer's agent to the Council dated 28 January 1998 confirming that development had commenced on site on 26 January and a local newspaper article dated 4 February 1998 regarding a poultry rearing and egg-production plant on a site off the A427 Market Harborough Road near Middleton with a photograph entitled '*Factory Site – Construction work is already underway on an access road*' (and the Council did not dispute that this was the correct site but could not comment on whether the photograph showed a material operation in accordance with the terms of the permission).
11. In addition, the appellant produced correspondence from the Council (in particular a letter dated 15 June 2000 from the Principal Planner) which acknowledged that the developer appeared to have commenced development. There are several other documents produced by the Council, namely the North Northamptonshire Joint Core Strategy 2016 and committee minutes relating to planning application 17/00180/OUT which both refer to an extant planning

permission for a major egg production farm on the site (and which was treated as a material planning consideration in the outline application).

Reasons

12. At the hearing, the Council argued that conditions 2, 5, 12, 14 and 16 are pre-commencement conditions and there was no evidence that the details submitted pursuant to them had been approved prior to the commencement of development (and therefore no evidence to prove that the 1993 Permission could have been lawfully implemented). The appellant was unhappy that this argument had not been raised in the Council's written submissions but the purpose of the LDC provisions is to enable the making of an objective decision based on the best facts and evidence available when the decision is taken, and it is clearly relevant to this appeal as to whether the permission was lawfully implemented. The appellant also had the opportunity during the hearing to respond to these points.
13. In relation to condition 4, the Council's case was not that the works undertaken would not meet the threshold of operational development under section 56 of the 1990 Act, but that the works had not been carried out in accordance with the 1993 permission. The Council argues that the ordinary reading and reasonable construction of condition 4 provides that not only the submission of details is required but also an approval, and there is insufficient evidence that this happened here. The Council does not accept that the drawings submitted, as referred to by the appellant, fully provided all of the necessary details to construct the road and the works undertaken were therefore not in accordance with condition 4 or the permission as a whole.
14. The appellant's case is that the works on site commenced prior to the expiration of the 1993 permission through the building of part of the access road. They say that condition 4 was not a pre-commencement or Grampian condition as it did not require the details of the road to be approved by the Council prior to the starting of the work, only that the road be finished and surfaced to an approved interim standard before any other development commenced on site. The appellant's case is that the works that were undertaken were part of the 1993 permission and this can be seen from the approved site layout plan and the Chris Evans Associates drawings 2070.01 and 02 (submitted by the developer's agent to the Council in a letter dated 30 December 1997) submitted in relation to condition 4 which show the location and layout of the access road as built.
15. The appellant did not agree that any of the conditions were true Grampian (i.e. negative) conditions as they did not prohibit any development from taking place until details had been formally approved. I agree that condition 4 does require certain matters to be approved but does not expressly prohibit works taking place until that happens, and in addition does not say how any such approval should be given. Condition 4 provides that there would be a breach if any wider works in connection with the permission were to take place prior to the access road being finished and surfaced to an interim agreed standard, but that is not what is being argued happened here.
16. The key features of a true Grampian condition² are that it is negatively worded, to prohibit the commencement or occupation of the development until some

² In accordance with the facts of the case *Grampian Regional Council v City of Aberdeen DC (1984) 47 P & CR 633*

- specified action takes place and the required action must be on land not controlled by the appellant. However, the parties in this case were using the term more widely to refer to negative conditions i.e. a condition that prohibits the commencement of development until some specified step has been taken. Where development is commenced in breach of such a Grampian condition, it will be necessary to consider whether it was also a condition precedent.
17. If works are carried out in breach of a condition precedent, the permission will not have been lawfully commenced. A condition precedent is essentially characterised by two criteria: it must prohibit any development authorised by the permission from taking place until the condition is complied with and it must go to the heart of the permission.
 18. Taking the above definitions into account, conditions 2, 5, 12, 14 and 16 do not expressly provide a mechanism for the formal approval of the required details, only the submission of those details. It would not be a reasonable or common-sense reading of these conditions based on the natural and ordinary meaning of the words to imply a requirement for a formal approval where one has not been specifically included. The developer submitted details to the Council in relation to each of these conditions with a letter from their agent dated 30 December 1997 i.e. prior to the date on which they say the works commenced. There was no formal statutory mechanism to discharge conditions at this time. In addition, the Council did respond to the submission of these details (and the letter dated 30 December 1997) by letter dated 29 January 1998 and made comments only in relation to conditions 2 and 5. Whilst this is not evidence in itself of the approval of the details submitted it would seem likely that all comments to be made in response to the letter dated 30 December would have been referenced, even if only to say that there would be further correspondence to deal with the other conditions if that were the case. The Council has not produced any additional correspondence itself regarding these conditions to make the appellant's version of events that the details were submitted prior to commencement of works unlikely on balance.
 19. For completeness, I note that condition 14 did require that that a noise scheme be agreed with the Local Planning Authority before the commencement of development and it appears from the letter dated 30 December 1997 to have been done (and this was not disputed by the Council).
 20. In any event, none of these conditions are true conditions precedent in accordance with caselaw³ as they do not expressly prohibit development until something has been done but rather require that something has to be done before the commencement of development.
 21. Turning to condition 4, whilst I am satisfied that it goes to the heart of the permission, the action prohibited by it is not the construction of the road itself (or the commencement of development overall) but rather 'any other development' on site. Condition 4 requires that the approved access scheme must be implemented but does not state that it cannot be started until approval is received, and as set out above, there was no formal statutory mechanism for the discharge of condition at that time. Neither does condition 4 require that it has to be complied with in full in order for the development to be lawfully commenced. In addition, it is clear that details of the proposed scheme were submitted to the Council prior to the works taking place (by letter

³ R. (on the application of Hart Aggregates Ltd) v Hartlepool BC [2005] EWHC 840 (Admin)

- dated 30 December 1997 as referred to above) so that the appellant had attempted to comply with the condition, and the letter received from the Council in reply did not request any additional details to be submitted in relation to condition 4. For these reasons, I do not find condition 4 to be either a Grampian condition or a true condition precedent.
22. As in all LDC cases, the burden of proof lies with the appellant on a balance of probabilities but the Council were not able to comment on or contradict the evidence provided regarding the date that the works to start the access road were undertaken. I therefore find, on balance, that the works were done prior to 5 February 1998, and indeed that seems to have been the view of various council officers since that time (other than possibly during the course of this appeal).
23. The photographs of the works submitted by the appellant accorded with my observations on site and I am satisfied that these works fall within the definition of 'material operation' under section 56(4) as operations in the course of laying out or constructing a road or part of a road. As it was not disputed that these works are located in the same place as indicated on the layout plan submitted as part of the 1993 Permission, and as I have found that they were not done on breach of condition 4 on that permission (or any other condition precedent or Grampian condition), I find that development had commenced under planning permission reference CO92/C212 ('the 1993 Permission') so that it is still extant.
24. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of free-range egg production/poultry building, associated yard and access road was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Zoë Frank

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Manley

Of Queen's Counsel

He called
Alistair Skelton

Steve Abbott Associates Limited

FOR THE LOCAL PLANNING AUTHORITY:

Hanna Virta

Solicitor, Pinsent Masons

She called
Edward Oteng

Development Management Manager



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 14 October 2020 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

Planning permission reference CO92/C212 is extant.

Signed

Zoë Franks

Inspector

Date: 15 November 2021

Reference: **APP/U2805/X/21/3266883**

First Schedule

Free-range production/poultry building, associated yard and access road.

Second Schedule

Land South of A427, Corby Road, East Carlton, LE16 8YB

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Appeal Decision

Site visit made on 2 November 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/U2805/D/21/3275800

4 Caistor Road, Gretton NN17 3DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Newby against the decision of Corby Borough Council.
 - The application Ref 20/00499/DPA, dated 12 November 2020, was refused by notice dated 5 March 2021.
 - The development proposed is conversion of existing garage into annex accommodation; the erection of a ground floor link block to the main dwelling; erection of a rear ground floor extension with connecting corridor to main dwelling.
-

Decision

1. The appeal is dismissed

Application for costs

2. An application for costs was made by Mr Robert Newby against Corby Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the area, including whether it would preserve or enhance the Gretton Conservation Area (CA).

Reasons

4. The appeal property is a detached two storey dwelling with a detached garage within the CA. The traditional stone constructed property has a simple pleasing design with stone quoin details and a gabled pitched clay tiled roof.
5. Although there is some variation in the design, style and age of the other properties along Caistor Road, it is characterised by large detached properties in relatively spacious landscaped plots set back from the road behind stone boundary walls and mature frontage planting that gives the area a distinctly rural open character and feel. Buildings in the CA, despite some variations, are constructed from a similar palette of colours and materials which positively contribute to its character. The significance of these buildings and features to the CA can be readily appreciated within the immediate vicinity of the site.
6. The proposal would involve the construction of a single storey flat roofed extension to the side and rear of the main house with a linked extension to the garage that would to be converted into annex accommodation. A flat roof

dormer extension would be built across the rear of the garage that would be inset from the edges and eaves of the roof and set down below the ridge line of the converted garage building.

7. Although the proposed extensions would not appear overlarge, relative to the overall plot size, the scale and form of the proposed single storey flat roofed linked extension to the side and rear of the main house would nevertheless still be a significant addition relative to the main property. Whilst it would be set down with a flat sedum green roof, the proposed scale and form of the extension combined with the awkward design and bulkiness of the large flat roof dormer extension over the rear of the converted garage would appear very much at odds with the traditional form and appearance of the host property.
8. These shortcomings are exacerbated by the proposal's position, which would be visible from a number of public vantage points along Caistor Road. The contrasting use of timber cladding materials contribute to the overall scale of the rear dormer extension, giving it particular prominence in relation to its surroundings. The proposed single storey extension and dormer roof extension, by virtue of their scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property and would detract from the architectural integrity of the host property. As such, I consider that the proposed extensions would result in incongruous and out-of-keeping additions that would cause unacceptable harm to the host property and the area.
9. I have considered the appellant's arguments that the design and layout of the proposed extensions and alterations has been carefully considered and redesigned in response to the previously dismissed scheme at the property¹. Whilst the use of matching materials and fenestrations would assist in integrating the proposed extensions with the host property, these aspects do not overcome the adverse effects outlined above. As such, I consider that the proposed development would adversely harm rather than positively contribute to the character and appearance of the host property and the area.
10. Given the location of the appeal site within the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. I consider that the single storey extension and dormer roof extension, by virtue of their scale, siting and design, would have a negative material impact and would fail to preserve or enhance the CA.
11. Given the modest scale of the proposed development, the harm would be less than substantial but in accordance with paragraph 202 of the National Planning Policy Framework, that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide additional living accommodation at the host property and secure its optimum viable use. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.
12. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the area, including the Gretton Conservation Area. It would be contrary to Policies 2 and 8 of the North Northamptonshire Joint Core Strategy 2016 which, amongst other things, require development to conserve and enhance heritage significance,

¹ 20/00266/DPA and APP/U2805/D/20/3263314

complement their surrounding historic environment, respond to the site's immediate and wider context and local character.

Other Matters

13. I have considered the appellant's comments regarding the family's personal circumstances and the benefits arising from the proposed additional annex accommodation. I have considerable sympathy for the appellant's circumstances. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended. There is insufficient justification for the scale and form of the extensions proposed.
14. I have noted the other developments in the area drawn to my attention by the appellant's. However, the residential extensions and alterations and various materials used on the properties in the surrounding area have different development and locational characteristics to the appeal scheme. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases.
15. I have considered the appellant's comments regarding the lack of formal objections from the neighbours or third parties to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the host property and the area and is not a determinative factor on its own.
16. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council. However, these are a material consideration to which I can attach only limited weight in making this decision.
17. I note the appellant's comments regarding the various benefits arising from the proposal including the scheme's high quality design and to create additional accommodation to meet the needs of the appellant. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

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