

## North Northamptonshire Planning Committee (North) 7<sup>th</sup> June 2023

<b>Application Reference</b>	<b>NC/21/00072/OUT</b>
<b>Case Officer</b>	<b>Farjana Mazumder</b>
<b>Location</b>	<b>Land Off Centrix Business Park Napier Road Corby Northamptonshire</b>
<b>Development</b>	<b>Application for land off Phoenix Parkway to provide an engineered development platform, and Outline application for the development of an employment park comprising up to 43,000 sqm B2 use, with all matters reserved apart from access</b>
<b>Applicant</b>	<b>Storefield Group Limited</b>
<b>Agent</b>	<b>Wardell Armstrong LLP</b>
<b>Ward</b>	<b>Weldon and Gretton</b>
<b>Overall Expiry Date</b>	<b>9<sup>th</sup> June 2021</b>
<b>Agreed Extension of Time</b>	<b>31<sup>st</sup> May 2023</b>

### List of Appendices

- **Appendix A-** Committee Report for item 4.1 NC/21/00072/OUT presented to the Strategic Planning Committee on 2<sup>nd</sup> August 2021.
- **Appendix B-** Addendum Report for item 4.1 to 2<sup>nd</sup> August 2021 Strategic Planning Committee.
- **Appendix C-** Committee Report for item 4.3 NC/21/00072/OUT presented to the Strategic Planning Committee on 7<sup>th</sup> March 2022.
- **Appendix D-** Addendum Report 2 for item 4.3 to 7<sup>th</sup> March 2022 Strategic Planning Committee.
- **Appendix E-** Committee Minutes for 7<sup>th</sup> March 2022 .

### Scheme of Delegation

This application is brought to this Committee because the Officers at the previous Strategic Planning Committee meeting in March 2022 agreed that this application be deferred to allow for consideration of Biodiversity Net gain matters. This outstanding matter have since been addressed by the applicant and this addendum report together with the previous committee reports is for consideration by North Area Planning Committee.

## **1. Recommendation**

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1.1 That Planning Permission be GRANTED, subject to the following:

- Planning conditions specified below
- Completion of a Section 106 Agreement relating to the highways, local benefits and environmental contribution and mitigation.

## **2. The Proposal**

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- 2.1 The proposal is for a hybrid planning application in two parts. The applicant for the present application Storefield Group Limited, seeks permission for proposed engineering and enabling works to level the site within the first part. The second part is seeking permission for proposed B2 (general industrial) employment uses with all matters reserved except access. It is acknowledged that the proposal straddles the administrative boundary with the former East Northamptonshire District Council. The applicant proposes the development of up to 43,000m<sup>2</sup> of B2 use.
- 2.2 The applicant has submitted a series of illustrative drawings to demonstrate how the proposed scheme might be accommodated on the site.
- 2.3 The engineering and enabling works will comprise cut and fill operations to establish a level platform. The northern area of the site will require the maximum fill depth of between approximately 7m to 10m. In the southwest area of the site, a cut depth of between approximately 1m to 3m will be required. The platform will provide a suitably engineered base with appropriate load bearing to accommodate employment development, and a layer within which to install necessary services.
- 2.4 The applicant has confirmed that the maximum building height would be 12m measured externally.
- 2.5 Access into the site is to be taken from the Napier Road, west of the site.
- 2.6 It should be noted that the submitted plans are treated as illustrative only where the plans relate to layout, scale, appearance and landscaping.

## **3. Background**

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- 3.1 This application is brought back to Committee following a resolution to defer at the meeting on the 7<sup>th</sup> March 2022 for the following reason:
- That further information at that time (A letter from JMW Solicitors, has been also received on 16th February 2022) had been received from the applicant and agent which needed to be considered by officers.
- 3.2 Although the recommendation in the report was for refusal, officers asked the committee to consider deferring the planning application.

- 3.3 Following deferral of the application on 7<sup>th</sup> March 2022, the Council Officers have clarified to the applicant that UPDATED ECOLOGICAL MITIGATION STRATEGY REPORT, Version 4, February 2022 and Letter ref: AJM/GM10604 /004 R 5 received on 4<sup>th</sup> February 2022 have been considered by the Development Management Team. A letter from JMW Solicitors, has been also received on 16<sup>th</sup> February 2022 and considered accordingly by the relevant Officers. However, after careful assessment of the above submitted information, it is considered that the amendments still failed to overcome the concerns raised by Council's Ecologist, therefore, officer's recommendation was for refusal. For the avoidance of doubt, it should be noted that all the above information has been considered within the *Addendum Report 2* (Appendix 4).

## 4. Consultation Responses

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Key consultee comments for the deferred application are as follows:

- 4.1 **Ecologist:** (06.01.2023) Council's Ecologist was consulted in regard to the following information received on 14<sup>th</sup> December 2022-

- Habitat Survey 2022, Version-Final
- BSG Corby Metric 3.1 BNG (a baseline biodiversity net gain assessment)

After careful consideration Council's Ecological Officer has confirmed that the updated habitat survey has been completed to a very good standard and the findings with regard to habitat types, extent and condition are accepted.

The Officer also indicated that the submitted report and Defra metric reflecting a baseline value of **195.98** biodiversity units is based on a combination of habitat 'distinctiveness' and condition. However, the metric calculations have not accounted for 'strategic significance'. The officer goes on stating that the metric user guide describes strategic significance as 'relating to the spatial location of a habitat parcel and works at a landscape scale. It gives additional biodiversity unit value to habitats that have been identified as habitats of strategic importance to that local area'.

The Officer highlighted that strategic significance ratings are currently being formalised and digitised for habitats across North Northamptonshire; this is taking place through the council's Biodiversity Net Gain officers' working group. It is identified that two elements of the system are relevant to the application site:

- Strategic significance is increased by one level for habitats of 'medium', 'high' or 'very high' distinctiveness which are located within the Nene Valley Nature Improvement Area (NIA)
- Strategic significance is 'high' for priority/Biodiversity Action Plan habitats located within a BAP target zone (and 'medium' for priority/Biodiversity Action Plan habitats located outside a target zone).

The site is located within the NIA, giving it increased strategic value. It is also located within the Rockingham Forest target area in the local biodiversity action plan. According to the survey, the application site has two priority habitats:

lowland mixed deciduous woodland and open mosaic habitat on previously developed land (OMH).

The submitted metric assigned the default 'low' strategic significance rating to all habitats found on site. However:

- 'Other neutral grassland' and 'other woodland; broadleaved' (medium distinctiveness) should be assigned a 'medium' strategic significance ('location ecologically desirable but not in local strategy'), due to the location within the NIA, and
- 'Lowland mixed deciduous woodland' and 'Open Mosaic Habitats on Previously Developed Land' should be assigned a 'high' strategic significance ('formally identified in local strategy') due to their location within a BAP target area.

The Officer has then made necessary amendments to the metric including the justification, for the applicant to review and recommended updating the baseline value of **221.38** biodiversity units. It would then be considered as a realistic and robustly evidenced figure for the site and any proposals for on-site mitigation and/or off-site compensation.

## **5. Evaluation**

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The key issues for consideration are:

- Ecology and Nature Conservation

### **5.1 Ecology and Nature Conservation**

- 5.1.1 Following the deferral, an in-person meeting was held with applicant's team in order to agree a common ground to move this application forward. Due to Council Ecologist's significant concerns over the previous habitat surveys and the establishment of a baseline biodiversity value of the site, it was agreed that an independent, suitably qualified third party, jointly appointed by the Applicant and the Council, would undertake a habitat survey and Biodiversity Metric evaluation of the site. The proposed third party, survey and assessment methodology would then be agreed jointly by the Applicant and the Council.
- 5.1.2 It has been also agreed that following agreement of the baseline biodiversity value, applicant will provide a framework for biodiversity off-setting strategy within appropriately agreed compliance criteria, detailing the location, outline habitat creation/enhancement methodologies and long-term monitoring and management strategy for achieving 1% biodiversity net gain.
- 5.1.3 The applicant has notified LPA that the Principal Ecologist at BSG Ecology, will be undertaking a habitat survey at Phoenix Parkway, Corby, on 27th and 28th July 2022 and once the survey and assessment has been completed, agreement on the baseline ecological value of the site will be sought. Subsequently, an updated habitat survey and biodiversity net gain assessment of the application site has been submitted on 14th December 2022. The results of the survey and assessment established a baseline biodiversity score of 195.98 units for the whole site.

5.1.4 Applicant has also provided the summary of the proposed biodiversity mitigation as follows:

<b>Table 1. Proposed biodiversity mitigation</b>	
<b>On site measures</b>	
<i>0.5ha SuDS features created</i>	
<i>2.03ha of open mosaic habitat enhanced in south of site</i>	
<i>3.29ha of open mosaic habitat created between plots</i>	
<i>0.33ha of broadleaved woodland enhanced from moderate to good condition</i>	
<b>Off-site measures*</b>	
<i>In excess of 10.7ha of OMH created on off-site land</i>	
<i>0.96ha of wet woodland to east of site enhanced from fairly poor to good condition</i>	
<i>4.48ha of broadleaved woodland adjacent to the east of site enhanced from poor to good condition</i>	
<b>Total</b>	<b>22.29 ha</b>

5.1.5 Council’s Ecological Officer has assessed the submission and confirmed that the updated habitat survey has been done to a very good standard, and the findings regarding habitat types, extent and condition are accepted. However, highlighted that the metric calculations have not accounted for ‘strategic significance’. The Officer suggested that necessary amendments to the metric needs to be done to reflect the baseline value of 221.38 biodiversity units. It would then be considered as a realistic and robustly evidenced figure for the site and any proposals for on-site mitigation and/or off-site compensation.

5.1.6 Applicant has further updated the baseline habitat survey report- *Habitat Survey 2022 (Report Updated March 2023)* which was submitted to LPA on 5<sup>th</sup> April 2023 for consideration. The updated report shows that baseline units for whole Site is 221.38. Based on the updated information, it is considered that the imposition of planning conditions requiring the production of mitigation strategy, Biodiversity Monitoring Scheme (BMS), Construction Environment Management Plan (CEMP: Biodiversity) and a Landscape and Ecological Management Plan (LEMP) would be sufficient at this stage of the application.

5.1.7 It is considered that the present proposal is acceptable at this stage of the process. Subject to the contribution against mitigation measures; and the overall package should be able to yield a net ecological benefit for both the on-site situation and the wider area. Increasing the ecological contribution should be able to deliver a planned and agreed package of mitigation measures for biodiversity of an appropriate scale and content. The above mitigation measures would be dealt with via combination of appropriate conditions and mitigation towards a Legal Obligation (s106).

5.1.8 It is considered that the present proposal is acceptable and complies with Policy 4 of the Joint Core Strategy and National Planning Policy Framework (2021).

## 6. Conclusion

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- 6.1 Overall, there is a strong emphasis in overall sustainability objectives including placing development in the right places. It is acknowledged that the scheme would deliver benefit by contributing towards economic development both in the short and long term to the local economy.
- 6.2 Through the development, the application site would deliver significant job creation, apprenticeships and increase in economic output. The details 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.
- 6.3 Following lengthy negotiations the applicant has now updated the net biodiversity gain levels which includes a realistic and robustly evidenced baseline value. This was a reason for the previous deferral of the application at the March 2022 Strategic Planning Committee.
- 6.4 The amended proposal is therefore considered in accordance with Policies 1, 3, 4, 5, 8, 9, 10, 11, 15, 18, 19, 22, 23, 24 and 27 of the North Northamptonshire joint Core Strategy, National Planning Policy Framework. 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.

## 7. Planning Obligations

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- 7.1 In accordance with the guidance for the use and application of planning obligations Corby Planning Obligations SPD 2017, the following contributions will be sought by way of s106. The heads of terms for the s106 agreed by the applicant are as follows: -
- A contribution of **£30000** for upgrading the footway on the eastern side of Phoenix Parkway to a 3m wide footway / cycleway from Heritage Way, 160m north of Napier Road, to the Steel Road roundabout, 650m south of Napier Road to create a safe off-road cycle link to the centre of Corby
  - A contribution of **£11000** towards enhancing the current Steel Road improvement scheme
  - Travel Plan monitoring fee
  - Employment skills and training
  - Air Quality mitigation measures and financial contribution of **£120,708.10**
  - Biodiversity mitigation measures for **221.38** baseline unit and associated monitoring fee

## 8. Recommendation

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- 8.1 It is the Officer recommendation that the application is approved subject to the following:
- Planning conditions specified below

- Completion of a Section 106 Agreement relating to the highways, local benefits and environmental contribution and bio-diversity mitigation.

## 9. CONDITION

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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:

- Site Location Plan, Dwg. No.- GM10604-004, Rev-B
- Phasing Plan - Built Development, Dwg. No.- GM10604-008, Rev-C
- Planning, Design and Access Statement, ref: 0005, January 2021
- Environmental Statement, ref: REP-0003 , V- V0.1A, January 2021
- Supplementary Environmental Information- Appendix 11.4 Dust Management Plan May 2021
- Supplementary Environmental Information- Chapter 10: Noise
- Non-Technical Summary, ref: REP-0003, V0.1, January 2021
- Preliminary Investigation Report (Desk study and site reconnaissance), ref: STP3966D-P01, Revision 2, March 2019
- Ground Investigation Report, ref: STP3996D- G01, September 2020
- Habitat Survey 2022 (Updated on March 2023)
- A43 Steel Road Junction Mitigation letter 121021, dated 12<sup>th</sup> October 2021
- Technical Note 2 - Second Response to North Northamptonshire Council-V1, June 2021
- Technical Note Response to North Northamptonshire Council-V2, May 2021
- Preliminary Construction Management Plan, January 2021
- Flood Risk Assessment, ref: 0006, September 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.

3. Details of all the reserved matters for relevant phase shall be submitted to the Local Planning Authority before any development is commenced:
  - a. Scale
  - b. Appearance
  - c. Landscaping, and
  - d. Layout

**Reason:** This is an outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

4. Approval of all reserved matters shall be submitted within 5 years of this permission. The development shall thereafter be completed in accordance with the approved details.

**Reason:** To secure all design and construction details for each phase of development prior to construction start to enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

5. Development shall not be undertaken other than in accordance with the approved phasing plan- **Phasing Plan - Built Development, Dwg. No.- GM10604-008, Rev-C**. The Phasing Plan, with any updates and amendments, will be submitted for approval in writing by the Local Planning Authority prior to or alongside the submission of reserved matters in respect of each Phase. The development shall be implemented in accordance with the latest approved Phasing Plan.

**Reason:** To ensure the timely development of the works and coordination with the associated highway works.

6. Each reserved matters application shall comply with the approved Planning, Design and Access Statement, ref: 0005, January 2021.

**Reason:** In the interests of clarity, to secure design that meets the principles expressed in the Planning, Design and Access Statement, to ensure a high standard of development, and to ensure that the development will meet the objectives of Policy 8 of the North Northamptonshire Core Spatial Strategy.

## **ENVIRONMENTAL ISSUES**

7. Any phase of the development hereby permitted shall not be commenced until details of an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11' or any subsequent guidance replacing this.

**Reason:** To ensure site remediation is carried out to the agreed protocol.

8. Remediation of the development hereby permitted shall be carried out in accordance with the approved remedial scheme. There shall be no deviation from the approved remedial scheme without the written approval of the LPA.

**Reason:** To ensure site remediation is carried out to the agreed protocol.

9. On completion of remediation a verification report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remedial scheme. Post remediation sampling and monitoring results shall be included in the verification report.



**Reason:** To provide verification that the required remediation has been carried out to the required standards.

10. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.

**Reason:** To ensure all contamination within the site is dealt with.

***Informative:** Please note section 178 of the NPPF is quite clear in that planning decisions should ensure the site is suitable for its proposed use taking into account ground conditions and any risks from contamination. Also that the site after remediation should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Any environmental report submitted to the Local Planning Authority should be mindful of Section 178c) of the NPPF which seeks to ensure that site investigation information is prepared by a competent person. Section 179 of the NPPF states that where a site affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner.*

11. The proposed air quality mitigation measures and associated financial contribution contained within chapter 11 of the Environmental Statement reference GM10604 dated January 2021 by Wardell Armstrong submitted with this application shall be reviewed and updated to reflect any change in air quality legislation, statutory guidance or supplementary planning guidance every three years from the date of this permission, and shall be submitted to and approved by the LPA, until all reserved matters have been agreed. The most recently approved air quality mitigation measures and associated financial contribution shall be implemented and maintained on finalisation of the development.

**Reason:** In the interests of highway safety and residential amenity.

12. The dust mitigation and management measures contained within the Dust Management Plan reference GM10604 dated 29th June 2021 by Wardell Armstrong shall be implemented in full throughout the earthworks and construction period.

**Reason:** In the interests of highway safety and residential amenity.

13. No development shall take place until a noise impact assessment that details the likely impact on any noise sensitive property in the context of the local noise environment, has been submitted to and been approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS 4142:2014+A1:2019. If the assessment indicates that noise from the development is likely to negatively affect neighbouring affecting residential or commercial properties then prior to the commencement of earthworks, a scheme of noise mitigation measures for this stage of works, shall be submitted to and approved in writing by the Local Planning Authority. The scheme and any

required works shall be implemented in accordance with the approved details until the earthworks are complete.

Each reserved matters application including a building, shall be accompanied by a noise impact assessment that details the likely impact on any noise sensitive property in the context of the local noise environment, and shall be accompanied by a scheme detailing the measures necessary to ensure that the noise does not detrimentally affect the amenity of local 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. The assessment and scheme shall be approved in writing by the Local Planning Authority prior to the commencement of the relevant development. The approved scheme shall be implemented prior to the commencement of the use of the relevant building and be permanently maintained thereafter.

Informative:

*The applicant should be aware that the local planning authority requires the noise from any external plant or any operational noise 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.*

*The scheme can be informed by measurement and/or prediction using noise modelling provided that the model used has been verified. Only an appropriately qualified acoustic consultant will be able to carry out an assessment of the noise. The Institute of Acoustics website gives contact details of acoustic consultants - [www.ioa.org.uk](http://www.ioa.org.uk).*

**Reason:** In order that noise levels may be agreed prior to the commencement of works on site which may require changes to the design and to safeguard the amenities of nearby occupiers. This will ensure the development is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. During Earthworks and Construction, the developer should provide advance notice and details of any night working; and approved by the LPA two weeks before commencement of the proposed work. This should include details of the proposed communication with nearby receptors that may be adversely affected.

**Reason:** In order that noise levels may be agreed prior to the commencement of works on site which may require changes to the design and to safeguard the amenities of nearby occupiers. This will ensure the development is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **HIGHWAYS**

15. Prior to first occupation details of how the footway extension on the northern side of Napier Road extends through the site to link to the Corby Northern Orbital Road access junction and layout shall be submitted, have technical approval and be constructed in full.

**Reasons:** To ensure accesses serving the development are completed and maintained to the approved standard and are available for use by pedestrians and cyclists of the development, in the interest of highway safety.

16. 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.

17. Prior to commencement of earthworks and construction related to the 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](mailto:northantsabload@kierwsp.co.uk) Abnormal due to width or height of load, please contact [mail@northants.police.uk](mailto: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.

18. A 4-week or one-month Megarider ticket for the local area, one per new employee for a period of 3 months should be provided at occupation.

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

### **BIODIVERSITY AND NATURE CONSERVATION**

19. Prior to the commencement of any development a biodiversity net gain scheme (to achieve 1% net gain from the agreed baseline of 221.38 biodiversity units), to compensate for any identified biodiversity loss, either through onsite mitigation and/or by offsite offsetting, which scheme shall include the timing of the mitigation/offsetting measures, as well as proposals for ongoing management and maintenance for a minimum 30 year period (the minimum period) and how such management and maintenance shall be secured and funded for the minimum period shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the biodiversity net gain scheme shall be implemented as approved and shall inform the Biodiversity Monitoring Strategy to be approved under condition 20, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure that the development makes a contribution towards net gain biodiversity across the plan period in accordance with Policy 4 of NNC JCS (2016) and to comply with the requirements of Paragraph 180 of the NPPF.

20. Prior to the commencement of any development a Biodiversity Monitoring Strategy (BMS) shall be submitted to and approved in writing by the Local Planning Authority. The BMS shall include the following:

- a. Identification of the baseline condition prior to the start of the development;
- b. Aims and objectives of monitoring to match the findings of the approved biodiversity net gain scheme and the stated purpose of the BMS;
- c. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various biodiversity net gain measures being monitored can be judged;
- d. Methods for data gathering and analysis;
- e. Location of monitoring;
- f. A timetable for the submission of monitoring reports;
- g. Identification of responsible persons and lines of communication; and
- h. A timetable for review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also

set out (where the results from monitoring show that biodiversity net gain aims and objectives are not being met in accordance with the approved biodiversity net gain scheme) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved biodiversity net gain scheme and BMS.

The BMS shall be implemented as approved.

**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.

21. Prior to occupation, a “lighting design strategy for biodiversity” for the proposal shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**Reason:** To ensure that the development is in accordance with Policy 4 of NNC JCS (2016) and to comply with the requirements of the NPPF.

22. No development shall take place within a phase or sub-phase (including demolition, groundworks, vegetation clearance) until a Construction Environmental Management Plan (CEMP: (Biodiversity)) for that phase, sub-phase or the development as a whole, has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) for that phase or sub-phase or the development as a whole shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed 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.

23. A Landscape and Ecological Management Plan (LEMP) for each phase or sub-phase shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development within each phase or sub-phase of the development (excluding the Site Preparation Phase). The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**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.

24. The approved details for soft landscaping, and other landscaping details approved under Condition 3 above (reserved matters) shall be carried out in the first planting and seeding season following the completion of development on the relevant phase and any trees or plants which, within a period of five years from occupation die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The approved details shall be thereafter retained.

**Reason:** To ensure that the appearance of the development is satisfactory in accordance with Policies 3 and 8 of the North Northamptonshire Joint Core Strategy.

### **SURFACE WATER DRAINAGE AND FLOOD RISK**

25. No development within any phase or sub-phase, other than the Site Preparation Phase shall take place until full details of the surface water drainage scheme for the site or phase/sub-phase, based on the Flood Risk Assessment ref GM10604 rev 0006 dated September 2020 prepared by Wardell Armstrong 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 crossreferenced supporting calculations.
  - iii) The site will discharge at a maximum 2 l/s/ha of impermeable area. Attenuation basins will have 300mm residual uncertainty allowance above top water level to top of bank for the extreme 1 in 100 +40% climate change storm event. 24hrs after reaching capacity attenuation facilities should be able to accommodate 80% of the 1 in 10 year storm
  - iv) 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.

**Reason:** In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

26. All subsequent reserved matters applications for the development shall make reference to the original approved Flood Risk Assessment ref GM10604 rev 0006 dated September 2020 prepared by Wardell Armstrong and shall be accompanied by a certificate of compliance with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.

**Reason:** In order to ensure that the drainage details are implemented in accordance with the approved Flood Risk Assessment, and to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.

27. No development within any phase or sub-phase, other than the Site Preparation Phase 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 for that phase or sub-phase 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.

28. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site 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.

### **FOUL DRAINAGE**

29. No building works which comprise the erection of a building required to be served by water services shall be undertaken until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

**Reason:** To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

### **SUSTAINABILITY**

30. Within 6 months of occupation of the development the following information shall be provided to the Local Planning Authority in respect of that building,



unless otherwise agreed in writing: a BREEAM post construction report to confirm that BREEAM very good (2018), (or the equivalent standard which replaces the British Research Establishment Environmental Assessment Method which is to be the assessment when the buildings concerned are to be assessed) and that the recommended Low and Zero Carbon technologies have been installed.

**Reason:** In accordance with the expectations of Policy 9 of the North Northamptonshire Core Spatial Strategy 2016 that aspire to BREEAM performance of at least 'very good' and require demand for energy to be met onsite and/or renewably and/or from a decentralised supply.

### **BOUNDARY TREATMENT**

31. Prior to the commencement of the relevant part of the development, the details of the boundary treatments (including details of the fences, gates, bollards and turnstiles) shall be submitted to and approved in writing by the Local Planning Authority. This should include a copy of the supplier's technical instructions, showing the type of fence panels and posts being proposed, and the style and locking mechanisms for the gates and turnstiles. The approved details shall be implemented and retained thereafter.

**Reason:** To ensure that the site is satisfactorily secured in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

### **FIRE**

32. No development other than groundworks and the erection of the steel frame shall take place until a scheme and timetable detailing the provision of the fire hydrants, sprinkler systems and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants, sprinkler systems and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

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

*Informative: With reference to Condition above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure.*

### **PD RIGHTS**

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification) or provisions of the Use Classes Order (England) 1987 (as amended), no other uses other than those hereby approved (B8 with ancillary office use) shall be carried out at the application premises. No extensions, new buildings or structures or additional hard surfaced areas shall be constructed or erected without further planning permission.

**Reason:** In the interest of amenities and retaining employment floor space in accordance with Policy 22 of the North Northamptonshire Joint Core Strategy 2016.

## 10. Informatives

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- 10.1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework 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, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

- 10.2 According to the Flood Risk Assessment, a watercourse and main river is located within quite close proximity of the site. Therefore the developer will need to consult the Bedford Group of Internal Drainage Boards for consent for all works within 9m of an ordinary watercourse and the Environment Agency. Further information can be found at: <https://www.idbs.org.uk/consents/> Also a 9m buffer (8m for main river) should be maintained between the edge of the watercourses for the maintenance access of relevant building and structures. All the building and structures should be located outside of the area of flood risk.

## 11. Schedule of Plans

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- Site Location Plan, Dwg. No.- GM10604-004, Rev-B
- Phasing Plan - Built Development, Dwg. No.- GM10604-008, Rev-C
- Planning, Design and Access Statement, ref: 0005, January 2021
- Environmental Statement, ref: REP-0003 , V- V0.1A, January 2021
- Supplementary Environmental Information- Appendix 11.4 Dust Management Plan May 2021
- Supplementary Environmental Information- Chapter 10: Noise
- Non-Technical Summary, ref: REP-0003, V0.1, January 2021
- Preliminary Investigation Report (Desk study and site reconnaissance), ref: STP3966D-P01, Revision 2, March 2019
- Ground Investigation Report, ref: STP3996D- G01, September 2020
- Habitat Survey 2022 (Updated on March 2023)
- A43 Steel Road Junction Mitigation letter 121021, dated 12<sup>th</sup> October 2021
- Technical Note 2 - Second Response to North Northamptonshire Council-V1, June 2021
- Technical Note Response to North Northamptonshire Council-V2, May 2021
- Preliminary Construction Management Plan, January 2021
- Flood Risk Assessment, ref: 0006, September 2020

