

Minutes of a meeting of the Planning Committee (North)

At 7.00 pm on Wednesday 4th October, 2023 in the
Council Chamber, Corby Cube, George Street, Corby, NN17 1QG

Present:-

Members

Councillor Wendy Brackenbury (Chair)	
Councillor Charlie Best	Councillor Dez Dell
Councillor Cedwien Brown	Councillor Paul Marks
Councillor Alison Dalziel	Councillor Joseph John Smyth
Councillor Mark Dearing	Councillor Ross Armour
Councillor Lyn Buckingham	Councillor Ian Jelley
Councillor Jean Addison	

Officers

Bob Young	Development Services
Jasbir Sandhu	Development Services
Simon Aley	Legal Representative
Callum Galluzzo	Democratic Services

30 Apologies for non-attendance

Apologies for non-attendance were received from Councillors David Sims, Robin Carter, Simon Rielly, Geoff Shacklock and Keli Watts

It was noted that Councillors Lyn Buckingham, Ross Armour, Ian Jelley and Jean Addison were present as substitutes.

31 Minutes of the meeting held on 6th September 2023

RESOLVED that the minutes of the meeting of the Planning Committee (North) held on 6th September 2023 be approved as a correct record.

32 Members' Declarations of Interests

The chair asked members to declare any interests on items present on the agenda.

Councillor Dez Dell declared a personal interest in item 4.1 due to previously having worked for the current applicant.

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

The Committee considered the following application for planning permission, which were set out in the Development Control Officers Report and supplemented verbally and in writing at the meeting.

The reports included details of applications 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:-.

34 NC/23/00041/RVC106

Members received a report which sought planning permission for a variation of s106 agreement dated 28th August 2016 relating to LPA ref: 04/00442/OUT dated 5th July 2006 and LPA ref:17/00702/DPA (Detailed) dated 21st May 2018 for 66 residential units, retail space and community hall known as the Multi Use Square Development and 17/00703/OUT dated 6th September 2018 concerning outline planning permission for the erection of not less than 99 dwellings, and a maximum of 135 dwellings plus landscaping and associated work at Little Stanion for JME Developments Ltd. The Development Officer presented the report which detailed the proposal, description of the site, the planning history, relevant planning policies, outcome of consultations and an assessment of the proposal, providing full and comprehensive details.

Requests to address the meeting had been received from Ray Kilham a third party speaker, Cllrs Stuart Nash, Christopher Horsman and Benjamin Darling Representatives of Little Stanion Parish Council. Requests to speak had also been received from Mark Flatman, Mr Moore and Robert Waite speaking on behalf of the applicant and the Committee was given the opportunity to ask questions for clarification. Questions were also raised regarding the ownership and management of the proposed village hall once built.

Ray Kilham addressed the committee and raised concerns regarding the use of public money to construct the primary school, and raised objections to the applicants previous intentions with regards to the building of the village hall and multi use games area.

Councillors Stuart Nash, Christopher Horsman and Benjamin Darling addressed the committee as representatives of Little Stanion Parish Council raising several objections and concerns regarding the lack of progress with regards to the building of the village hall and also raised questions regarding obligations for the construction of a multi-use games area (MUGA) or football pitch as previously agreed in previous planning applications.

Mark Flatman, Mr Moore and Robert Waite addressed the committee on behalf of the applicant and sought to clarify a number of points including the proposed construction of the village hall and MUGA. It was noted that the football pitch was substituted to a MUGA due to land ownership concerns and that the construction of the MUGA would take longer than recommended due to the sloping nature of the proposed construction site.

The Chair invited the Committee to determine the application

Following registered speakers and the officers presentation it was proposed by Councillor Marks and seconded by Councillor Brown that the committee resolve to exclude the public and press in order to hear confidential legal advice in light of matters that had been raised pursuant to Paragraphs 3 & 4 of Schedule 12A of the Local Government Act 1972 (as amended).

The Chair informed members of the press and public that confidential legal advice needed to be sought which would involve the likely disclosure of exempt information there the press and public were to be excluded virtue of to Paragraphs 3 & 4 of Schedule 12A of the Local Government Act 1972 (as amended).

RESOLVED:- That the press and public be excluded from the meeting in order that consideration could be given to the following items of business which were exempt by virtue of paragraphs 3 & 4 of Part 1 of Schedule 12A of the Local Government Act 1972:-

Following recommencement of debate it was proposed by Councillor Marks and seconded by Councillor Smyth that the application be deferred to:

- i) Enable the Council to further investigate the issue of whether or not the MUGA had indeed been substituted for the obligation to provide a football pitch and the issue relating to land owned by Tata Steel.
- ii) Resolve outstanding issues relating to changes to approved landscaping and especially trees on the Site
- iii) Resolve the financing and construction of a community hall to be provided on the Site and for the security of the same to be delivered at the point of letting the contract for the construction of the community hall to be within 6-9 months of the date of the approved further variation to the 106 Agreement; such bond to be valued in relation to the delivery of the specification for the community hall, such specification to be prepared by the Owner and approved by the local planning authority within the above time frame.
- iv) Enable negotiations between the Owner, Little Stanion Parish Council and the local planning authority to take place with a view to transferring management of the Community Hall, and parking area once built, to the Parish Council.

(Members voted on the motion to defer the application)

(Voting: Unanimous)

The application was therefore
DEFERRED

35 Delegated Officers Report

None

36 NC/23/00330/DPA – Urgent Items

Members were notified of an urgent item in which the application was being brought to committee because it falls outside of the Council's Scheme of Delegation because the

Council is the landowner and comes before the Committee for determination. The reason for the urgency of this item was to enable the progression of the planning application which is dependent upon a NHS funding deadline.

Members received the report which sought planning permission for Construction of a 1,047sqm (GEA) Community Diagnostic Centre (Use Class E), with associated infrastructure including access from Willow Brook Road, car parking spaces, cycle parking spaces, drainage, hard and soft landscaping, and utilities at Willowbrook Health Centre, Cottingham Road

Corby for Kettering General Hospital, NHS Foundation Trust.

A request to address the meeting had been received from Polly Grimmett, an Agent on behalf of the applicant and the Committee was given the opportunity to ask questions for clarification.

The agent stated that the proposed Community Diagnostic Centre represented a national programme with the principal aim to drastically reduce waiting times and allow early access to diagnostic and testing facilities leading to earlier treatment times for patients. It was also stated that Corby had been chosen as the ideal site for the application and would allow for 50,000 appointments a year. Apprenticeships were also being produced and would be in discussion with local education providers.

The Chair invited the Committee to determine the application

Members agreed that the application represented a much-needed facility and would have a positive impact on the local community. Concerns were also raised in relation to the urgency and lack of consultation with the proposed development which would lead to the felling of several mature trees. Officers responded that Corby Town Council had been consulted in early September and then advised of the date of the Committee. The Council's tree officer had also surveyed the application site and assessed the varying condition of the trees. To reassure concerns the officer stated that there would be a substantial replanting scheme within and along boundaries of the site comprising a range of tree species. This along with other key elements of the proposal would also be safeguarded by planning condition.

Following debate, it was proposed by Councillor Best and seconded by Councillor Jelly that planning permission be GRANTED subject to delegated authority being given to the Head of Place and Economy Services to issue the decision application subject to the conditions outlined in the report; and satisfactory consultation with Planning Committee Chair and Vice Chair on highways, ecology and drainage conditions.

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
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:
 - Existing Site Location Plan, Dwg. No.- CDC-ACM-XX-00-DR-A-010000 REV-P02

- Existing Site Plan, Dwg. No.- CDC-ACM-XX-00-DR-A-010001 REV-P02
- Proposed Site Plan, Dwg. No.- CDC-ACM-XX-00-DR-A-010002 REV-P02
- Proposed Site Plan with GA, Dwg. No.- CDC-ACM-XX-00-DR-A-010003 REV-P02
- Proposed Ground Floor GA Plan, Dwg. No- CDC-ACM-XX-00-DR-A-010011 REV-P02
- Proposed First Floor GA Plan, Dwg. No- CDC-ACM-XX-00-DR-A-010012 REV-P02
- Proposed Landscape Layout, Dwg. No.- CDC-ACM-XX-00-DR-LA-1002 REV-P01
- Proposed Tree Protection and Removal Plan, Dwg. No.- CDC-ACM-XX-00-DR-LA-1001 REV-P01
- Proposed Sections, Dwg. No.- CDC-ACM-XX-00-DR-A-040001
- Proposed East and South Elevations, Dwg. No.- CDC-ACM-XX-00-DR-A-030001 P02
- Proposed North and West Elevations, Dwg. No.- CDC-ACM-XX-00-DR-A-030002 P02
- External Lighting Layout, Dwg. No.- 230172-CPW-XX-XX-D-E-22101, S4, P02
- Riba Stage 2 Drainage Layout, Dwg. No.- CDC-ACM-XX-XX-DR-C-010000 P02
- Pre-development PEA, Ref: 6031/01/22-3160, ver-d3
- Post Development BNG, Ref: 6031/01/22-3161, ver-d2
- Willowbrook Health Complex Biodiversity Metric d1 NHL
- Biodiversity Impact Assessment, Ref. no: 22-3242, Ver-1, September 2023
- Air Quality Impact Assessment, Ref: AQIA-2023-000002, 13th September 2023
- Geological Ground Investigation Report, Ref: GT-2023-000056, dated 6th September 2023
- Environmental Noise Survey and Assessment Report, Ref: NOI-2023-000001, dated 8th September 2023
- Transport Statement, Report Reference: 210820-01, July 2023
- Ecological Impact Appraisal (EclA), Ref. No.- 22-2765, Ver-03, August 2023
- Arboricultural Impact Assessment, Rev-B, August 2023
- Design and Access Statement, August 2023
- Flood Risk Assessment, Report Reference: FRA-2023-000040, 17th August 2023
- Preliminary Ecological Appraisal, Ref: PE0288, November 2022
- Contaminated Land Risk Assessment, Phase 1 Desk Study Report, Ref:-PH1-2023-000041
- Health Impact Assessment, Version-2, 17th August 2023
- Tree Survey Schedule, July 2023
- Tree Survey, Dwg. No.- 30123-VO2-001 Rev A
- Tree Survey (T52-T87), Dwg. No.- 30123-VO2-002 Rev A
- Arboriculture Impact Assessment, Dwg. No.- 30123- V02-003 Rev A

Environmental Impact

Noise – External Plant

3. Before development commences a noise assessment shall be submitted for approval that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not have a negative effect on 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. Once approved the development shall commence according to the approval and thereafter maintained in this approved state.

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. Particular attention should be paid to low frequency noise and vibration.

The applicant should also demonstrate they have considered the 'agent of change' principle in accordance with paragraph 187 of the National Planning Policy Framework 2021 and have regard to the ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise as appropriate.

Air Quality

4. The recommended mitigation measures detailed in Air Quality Impact Assessment Report reference AQIA-2023-000002 version 1.1 dated 13th September 2023 by STM Environmental Consultants Ltd must be implemented in full during the construction and operational phases, unless otherwise agreed in writing by the Local Planning Authority.
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.
6. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement 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 Statement shall detail the following including but not limited to:
 - 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.

Highways

7. Prior to occupation of the development full engineering, construction and drainage plans for the offsite works shall be submitted to and approved in writing by the Local Planning Authority. The Local Highways Authority would require site of the Technical Audit approval letter to recommend its discharge.
8. Notwithstanding the submitted details, no building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the council.
9. Prior to first use or occupation, the proposed vehicular access, parking and turning facilities shall be provided in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.
10. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shall be submitted and approved by the Local Planning Authority, and thereafter, be kept free of obstruction and available for the parking of cycles only. Cycle parking should be covered, secure, overlooked and easy to use, laid out in accordance with the diagram below, with a minimum 1.2m clear access including gate widths. No lifting of cycles should be required.
11. A 4-week or one-month Megarider ticket for the local area, one per new employee for 3 months should be provided.
12. Prior to the first occupation of the development hereby permitted provision of EV charging facilities for each dwelling shall be installed, completed and be retained thereafter.

Ecology

13. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) 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: these shall include method statements for bats, great crested newts and invasive non-native species.
- 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.
- i) continued monitoring of the existing badger set and its programmed re-location subject to a Natural England permit prior to the commencement of construction works.

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.

14. No development shall take place on any part of the site until a written 30 year Habitat Management Plan (HMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The approved HMP shall be strictly adhered to and implemented in full for its duration and shall contain the following;

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme; and
- i) Details of the persons responsible for the implementation and monitoring;
- j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

The HMP 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 HMP 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 HMP shall be strictly adhered to and implemented in full for its duration.

15. Prior to occupation, a Lighting Design Strategy for Biodiversity 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 species 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 they shall be maintained thereafter.

Landscaping

16. No development shall commence above ground on site until a Tree Retention Plan has been submitted to and approved by the Local Planning Authority. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. 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 the same size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
17. No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees. 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.

18. 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.

Drainage

19. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following information:
- Undertake infiltration testing in accordance with the BRE Digest 365 Soakaway Design Guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
 - Where infiltration is demonstrated not to be feasible, the discharge rate shall be limited to 4.1l/s for all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical duration, in line with the approved surface water drainage strategy (ref: Flood Risk Assessment, Report Reference: FRA-2023-000040, 17th August 2023).
 - Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme. The strategy agreed to date presents limited consideration with regard to water quality and further multifunctional, source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design. This is in line with the requirements set out in Paragraph 169 of NPPF.
 - Provide detail drawings including cross sections of proposed features such as infiltration structures, attenuation features, and outfall structures. These should be feature-specific demonstrating that each of the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:
 - o Suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall), and justification of such criteria where relevant.

- o Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events
 - o Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
 - o Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
 - Provide plans such as external levels plans, supporting the exceedance and overland flow routing. Such overland flow routing should:
 - o Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
 - o Consider property Finished Floor Levels (FFLs) and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
 - o Recognise that exceedance can occur during any storm event due to a number of factors. As such exceedance management should not rely on calculations demonstrating no flooding.
20. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site has been made available. This should be based on the approved surface water drainage strategy (ref: Flood Risk Assessment, Report Reference: FRA-2023-000040, 17th August 2023 and information provided to satisfy the relevant discharge of conditions application in relation to surface water drainage. This should be submitted in writing by a suitably qualified, independent, drainage engineer and approved in writing by the Local Planning Authority. This Verification Report shall include:
- o Demonstration that any departure from the agreed design is in keeping with the approved principles.
 - o Any As-Built Drawings and accompanying photos
 - o Results of any performance testing undertaken as a part of the application process (if required / necessary)
 - o Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges/Structures etc.
 - o Confirmation that the system is free from defects, damage and foreign objects
21. No occupation and subsequent use of the development shall take place until a detailed, site-specific maintenance plan is provided to the Local Planning Authority in consultation with the Lead Local Flood Authority. Such maintenance plan should:
- o Provide the name of the party responsible, including contact name, address, email address and phone number.
 - o Include plans showing the locations of features requiring maintenance and how these should be accessed.
 - o Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development.
 - o Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

Foul Drainage

22. No building works which comprise the erection of a building requiring to be served by water services shall be undertaken unless and until a foul drainage assessment including full details of a scheme 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 dwelling shall be occupied until the approved scheme has been completed.

Informative: In order to satisfy the above condition, an adequate scheme would need to be submitted demonstrating that there is (or will be prior to occupation) sufficient infrastructure capacity for the treatment of the quantity and quality of water arising from the proposed phase of development.

(Members voted on the officers' recommendation to approve the application)

(Voting: For 11, Against 1)

The application was therefore
APPROVED

37 Exempt Items

None

38 Close of Meeting

The meeting closed at 9.04 pm

Chair

Date