

## Area Planning Committee Corby

### 20<sup>th</sup> January 2022

<b>Application Reference</b>	<b>20/00365/OUT</b>
<b>Case Officer</b>	Farjana Mazumder
<b>Location</b>	Land at Bangrave Road, Corby, Northamptonshire
<b>Development</b>	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.
<b>Applicant</b>	The Hub (NW) Limited
<b>Agent</b>	Savills (UK) Limited
<b>Ward</b>	Stanion And Corby Village
<b>Overall Expiry Date</b>	3 <sup>rd</sup> December 2020
<b>Agreed Extension of Time</b>	31 <sup>st</sup> 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**

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1.1 That planning permission be GRANTED subject to conditions.

#### **2. The Proposal**

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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**

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- 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**

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- 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**

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#### **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 28<sup>th</sup> 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**

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### 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**

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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 3258m<sup>2</sup> 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**

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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**

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

## **10. Conditions**

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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:

- 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](mailto: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](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.

### **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**

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- 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.