

## Development Control Committee

Tuesday 10 November 2020

7.00 pm Via Zoom Virtual Meeting

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**Present:** Councillor Riley – Chair  
Councillors Dady, Addison, Brown, Dalziel, Ferguson, Watt and Watts.

### 21. Apologies for Absence

Apologies for absence were received from Councillor Latta, Eyles and Sims.

### 22. Declarations of Interest

Members were asked to declare any personal interests they may have in the business to be discussed and/or indicate whether this was prejudicial or non-prejudicial, the nature of any interest, and whether they intended participating in the relevant agenda item. No declarations were made.

### 23. Minutes of Previous Meeting

Members were requested to approve the minutes of the Development Control Committee meetings held on 7 October 2020, copies of which had been circulated.

#### **RESOLVED that:-**

The minutes of the meeting of the Development Control Committee held on 7 October 2020 copies of which had been circulated to Members, be agreed as a correct record.

### 24. Planning Applications

#### 24.1 20/00246/HHA Conversion of garage and first floor extension over garage AT 52 Hempland Close, Corby.

A report was presented to Committee seeking consent to convert a double garage into living accommodation and extend the first floor over the garage to provide an additional bedroom.

Consultation had been carried out and 5 representations had been received but only regarding the first-floor extension.

The proposal was considered acceptable in principle as the property was in a sustainably located area of Corby. It was not considered that the additional height would harm the amenities currently enjoyed by neighbouring properties.

Mr Robertson addressed Committee as the applicant confirming he had nothing to add to the officer's report and thanked the Committee for their time.

Committee asked what would happen should the applicant decide to make this a separate dwelling, the Officer advised that a separate application would have to be submitted.

#### **RESOLVED that: -**

#### **The application be approved subject to the following conditions:**

The proposed scheme is modest in design and scale, respects the character of the host dwelling. The scheme results in an increased required accommodation floor space to improve the quality of living for the occupier. The officer's recommendation to member's is that the application be approved subject to the following conditions:

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

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be built in accordance with the approved plans as listed below in the 'Schedule of Plans'. The development shall be completed in accordance with the approved plans unless alternative details have been submitted and approved in writing by the Local Planning Authority prior to commencement.

**Reason:** To specify the permission and for the avoidance of doubt.

3. All works and ancillary operations related to construction which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

**Reason:** In the interests of the amenities of surrounding occupiers during the construction of the development accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

**1. Schedule of Plans**

Existing Floor Layout & Elevations	20.11-01	24.06.20
Existing Ground Floor Part	20.11-02	24.06.20
Proposed First Floor Part	20.11-03A	18.08.20
Proposed First Floor Part	20.11-04A	18.08.20
Proposed Elevations and Existing Rear	20.11-05A	18.08.20
Off Road Parking	20.11-05A	30.07.20
Block Plan		11.06.202

**2. Background Papers**

None

**3. Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8/or Article 1 of the First Protocol of the Act and consider that it is appropriate.

Officers have also considered the interference with the human rights of the applicant under Article 8/and or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of the property in accordance with the general interest. The interferences are therefore justifiable and proportional.

**4. Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with Section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission.

**24.2 20/00301/RVC Variation of Condition 13 (CCTV) pursuant to planning permission 17/00702/DPA (Full Planning Application for erection of 66 two bed apartments, 598sqm retail within use classes A1-A5, 435sqm community hall and associated works) CCTV Provision at the Village Centre AT Little Stanion Village Centre, Corby.**

The report presented to Committee proposed to seek variation to Condition 13 relating to CCTV, the Condition stated:

*“A scheme showing the details of CCTV to be installed at the development shall be submitted to and approved by the local planning authority in writing. No part of the development hereby permitted shall be occupied before the scheme is carried out as approved.*”

**Reason:** *To design out crime and promote the well-being in the area. This will ensure the development is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.*

The applicant sought to change the wording to:

*“A scheme showing the details of CCTV to be installed at the development shall be submitted to and approved by the local planning authority in writing. Block C, phase 5, shall not be commenced before the scheme is carried out as approved.*

**Reason:** *Two design out crime and promote the well-being in the area. This will ensure the development is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.*

The request to vary the Condition had been made after discussions with the Police Crime Prevention Design Adviser and Corby Borough Council’s CCTV Administrator. The CCTV Administrator and Police Crime Prevention Design Adviser had requested delay until the physical construction of Blocks A, B, D and E had taken place, this would enable sightlines to be physically verified for accuracy of the communication linkage between the CCTV cameras and the mast on the village centre roundabout. The applicant had asked that the trigger point for CCTV installation be put back to allow for this to be achieved in the most efficient manner.

Only one objection had been received from the Parish Council and those objections were contained within the officer’s report. Internal consultees had raised no objections and had no comment to make.

Relevant Planning Policies and the Principle of Development had been considered. The officer provided a table within his report in respect of the current position of the Village Centre planning permissions and conditional discharges.

The officer concluded that the variation of Condition 13 was considered acceptable and did not cause any significant harm to the character of the area or to the amenity of nearby neighbours.

Mr Flatman addressed the Committee as Agent for the Application, he gave some contextual background as to reason for the application to change Condition 13. The meeting with the Police and the CCTV Administrator had been held at the request of the Police to ensure that by delaying the installation of the CCTV it would ensure that the system worked properly. If this condition was not amended, then it could result in the system not operating as it should and a considerable expense to correct it.

Committee asked the officer how much of a difference this would make to the timing of the CCTV, the officer said there were uncertainties but early next year (2021).

**RESOLVED that: -**

**The application be approved subject to the following conditions:**

1. The development hereby permitted shall begin before the expiration of three years from the date of planning permission reference 17/00702/DPA, dated 21.05.2018.

**Reason:** As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall conform in all aspects with the plans and details approved under application 17/00702/DPA, as amended by non-material amendment approval 18/00484/NMA, as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

- P001 (Red Edged Village Centre Location Plan)
- P101 Rev D (Village Centre Site Layout)
- J156B - 152 Rev D (Proposed Road Markings)
- P101 (Village Centre with Topo Survey)

- P110 (Proposed External Stores)
- P200 and P201 (Block A Proposed Floorplans and Elevations)
- P300, P301, P302 (Block B Proposed Floorplans and Elevations)
- P400, P401, P402, P403, P404 (Block C Proposed Floorplans and Elevations)
- P500, P501, P502, P503 (Block D Proposed Floor Plans and Elevations)
- P600, P601 (Block E/Village Hall Proposed Floor Plans and Elevations)
- J156B-151 Rev B (Proposed Levels)

**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. No development shall take place other than in accordance with the provisions set out within the approved Construction Transport Management Plan (JME 2018) as approved under application 18/00456/CON on 15<sup>th</sup> October 2018.

**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 in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

4. No development shall take place other than in accordance with the recommendations contained within the approved Flood Risk Report (OCSC, 2017), which shall be implemented in full and retained thereafter.

**Reason:** To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site in accordance with Policies 5 and 8 of the North Northamptonshire Joint Core Strategy.

5. No development shall take place other than in accordance with the recommendations contained within the approved Drainage Strategy (OCSC, 2017), which shall be implemented in full and retained thereafter.

**Reason:** To ensure a suitable relationship with the water environment and to avoid flood risk, in accordance with Policies 5 and 8 of the North Northamptonshire Joint Core Strategy.

6. No development shall take place other than in accordance with the recommendations contained within the approved Ecology Report (Lockhart Garratt, 2017), which shall be implemented in full and retained thereafter.

**Reason:** To ensure a net gain in biodiversity is provided across the site, in accordance with Policy 4 of the North Northamptonshire Joint Core Strategy.

7. The retail units hereby approved shall benefit from the following uses:

Unit 1 - use classes A1 (shops), (A2) financial and professional, (A3) restaurant and café, (A4) drinking establishment

Unit 2 - use classes A1 (shops), A2 (financial and professional), A3 (restaurant and café), A4 (drinking establishment)

Unit 3 - use class A1 (shops)

Unit 4 - use classes A1 (shops), A2 (financial and professional), A3 (restaurant and café), and A5 (Hot Food Take-Away)

**Reason:** To ensure an appropriate mix of retail is provided within the village and to insure against any detrimental impact associated with an over-supply of any one type in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. The development shall not proceed except in accordance with the agreed Phasing Sequence Plan P104.

**Reason:** To ensure that the development is satisfactorily phased and co-ordinated.

9. No development shall take place other than in accordance with the provisions set out within the approved details for Bird and Bat Boxes as approved under application 19/00292/CON on 15<sup>th</sup> October 2018 unless variations are agreed by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

10. No development shall take place other than in accordance with the provisions set out within the approved details for Enclosures and Boundary Treatments as approved under application 18/00533/CON on 15<sup>th</sup> October 2018 unless variations are agreed by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

11. No development shall take place other than in accordance with the provisions set out within the approved details for Hard and Soft Landscaping as approved under application 20/00317/CON on 08<sup>th</sup> October 2020 unless variations are agreed by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

12. No development shall take place other than in accordance with the provisions set out within the approved details for implementation of the Foul Water Drainage Strategy as approved under application 19/00246/CON on 30<sup>th</sup> July 2019.

**Reason:** For the avoidance of doubt.

13. A scheme showing the details of CCTV to be installed at the development shall be submitted to and approved by the local planning authority in writing. Block C, phase 5, shall not be commenced before the scheme is carried out as approved.

**Reason:** To design out crime and promote the well-being in the area. This will ensure the development is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

14. No building works which comprise the erection of a building shall take place until details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish for Retail Units 1, 2 and 4 have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

**Reason:** These details need careful consideration and formal approval and to safeguard the amenity of adjoining properties and to protect the general environment. The details are needed prior to the start of work so that measures can be incorporated into the build. This will ensure the development is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

15. No use under Classes A3, A4 or A5 within Retail Units 1, 2 and 4 hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing, by the Local Planning Authority, an Odour Management Plan, setting out cleaning, maintenance and filter replacement policies. The plan should include a written recording system to record and demonstrate when all such work is carried out. The approved odour management plan shall be complied with throughout the duration of the use.

**Reason:** To safeguard the amenity of nearby premises and the area generally in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

16. No building or use hereby permitted shall be occupied or use commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the

Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.

**Reason:** In order to safeguard the amenities of adjoining residential occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

17. No occupation shall take place until the approved scheme for the provision of fire hydrants (as shown on Site Layout P101 Rev A) has been implemented in full. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable and retained thereafter.

**Reason:** To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with the requirements of Policy 10 of the North Northamptonshire Joint Core Strategy.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the following requirements:

(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 options(s).

Where remediation is necessary, all works associated with the permission must cease and a remediation scheme must be prepared, submitted to and approved in writing by the Local Planning Authority before works can re-commence. 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.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This will ensure the development is in accordance with Policies 6 and 8 of the North Northamptonshire Joint Core Strategy.

19. The Approved Travel Plan (J156 Travel Plan Rev 4) shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

**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.

20. No development shall take place other than in accordance with the provisions set out within the approved details for RSA and Off-Site Engineering, Construction & Drainage Plans as approved under application 18/00531/CON on 21<sup>st</sup> November 2018 unless variations are agreed by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

21. No development shall take place other than in accordance with the provisions set out within the approved details for Highway Layout and Tracking Details as approved under application 18/00494/CON on 12<sup>th</sup> September 2018 unless variations are agreed by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

22. In the event of any of the streets associated with the residential element of this proposed development not being proposed for adoption as public highway, the following conditions apply;

a) Details of a site management company and associated management and maintenance methodology of the streets within the development, to operate in perpetuity, will be submitted to the planning authority and agreed in writing prior to the commencement of development;

b) The streets will in any event be required to be laid out and constructed to adoptable standards to ensure safe and practical operation, prior to first occupation of any dwelling;

c) That prior to first occupation of any dwelling a legal undertaking is provided by the developer that the streets will not be put forward for adoption and will remain private in perpetuity; and,

d) That the streets will be identified as private through the use of appropriate private street name plates on the entrances to the development from the public highway (to be placed within the site).

**Reason:** To ensure a suitable form of development in accordance with the requirements of Policy 8 of the North Northamptonshire Joint Core Strategy.

23. The provision of the EV charge points and feeder pillars shall be installed as shown on the approved plan 1616-PP 011 Rev A in respect of Blocks A, B and D as partially approved under application 20/00318/CON on 29<sup>th</sup> September 2020.

For the avoidance of doubt in respect of EV charge point provision for Block C, either Option 1 or Option 2 as shown on the approved plan 1616-PP 011 Rev A, but not both, shall be installed. Prior to first occupation at Block C, confirmation shall be submitted in writing to the local planning authority confirming which of EV Charge Point Option 1 or EV Charge Point Option 2 is to be installed in respect of Block C and that identified EV Charge Point Option shall be installed to serve Block C.

**Reason:** To support sustainable transport objectives in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

#### Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider

that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

#### Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, Officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

### **24.3 Update Report**

#### **18/00817/OUT Development of land for employment use (classes B1/B2 and B8) with ancillary parking, highway infrastructure, engineering works (All Matters Reserved) AT Cowthick Plantation, Stanion, Corby**

The Head of Service Planning and Environmental Services summarised the "**Update Report**" and the steps taken by Corby Borough Council since Members originally considered and resolved to approve the Outline Application on 29 June 2020. The report was being presented to Committee to ask Members to reconfirm the resolution to grant permission on 29 June 2020 pursuant to the recommendation set out below, having regard to: (i) the additional publicity after Committee on 29 June 2020; (ii) the representations received by the Council in response to this publicity; (iii) officers' response to these representations as set out in the Update Report; (iv) the information contained in the referral submission to the Secretary State; (v) the Secretary of State's decision not to call-in the application; and (vi) the updated planning conditions and s106 obligations set out in the Update Report.

The Committee were advised that the purpose of the reconfirmation was not to re-determine the application "from scratch" , but Members should carefully consider the representations made since the consideration of the application at the last Committee, take note of the referral pack to the Secretary of State and his response and consider the update to Conditions and the development of the S106 since the last Committee and consider these issues in reconfirming their resolution to grant or otherwise.

Mr Toller addressed the Committee as an objector. He asserted that this process had been rushed as a last opportunity before Unitary Authority next year. Mr Toller asked Members to consider the objection letter lodged by Mr Duthie on 8 November 2020 in connection with the S106, raising concerns about the inconsistencies and gaps in the draft S106, including absence of detail on the Travel Plan or Travel Plan contribution.

Mr Toller also expressed concern that the proposed monitor and manage conditions (which now cover all the junctions off the A6116 between the (A14/A43)) only require regular traffic counts after Phase 1 (the largest phase) has been completed or occupied. There is no obligation to carry out traffic counts before the development begins. He asked how then could the impacts of the first stage of the development be assessed.

Mr Toller asked if it was constitutionally correct, when so much was still outstanding on the S106, to delegate authority to the Head of Service. Delegated authority, according to the Constitution, should (as per an email from NCC on 22 July) only be for minor changes to planning conditions and, Mr Toller asserted, the S106. Mr Toller asked whether the decision would stand up to scrutiny.

Mr Toller also raised concerns about officer conduct at the previous Committee and queried whether the Council had given any consideration to residents outside of its immediate area.

Mr Toller urged the Committee to refuse the application or defer determination until a CIL Reg 122 compliant S106 has been agreed and the monitor and manage conditions had been amended to require appropriate traffic counts at all the junctions listed at condition 23B as part of the Phase 1 traffic assessment to enable correct mitigation measures to be identified before further development can take place.

Mr Jones, on behalf of the Applicant explained the steps taken by the applicant to work proactively with the Council to ensure this development could be brought forward. He outlined the benefits of the scheme as explained at the June 2020 Committee: circa 7000 new jobs across a range of skills, inward investment etc. Mr Jones also explained the highway mitigation agreed under the S106 and conditions, including residual mitigation, and reminded that the S106 also covered education, training and ecological improvements in line with the development plan. Mr Jones also noted that the Secretary of State responded to the consultation request promptly presenting no obstacle to the grant of permission by the Council. Mr Jones concluded by summarising operator interest in the site and the progress made at Midland Logistics Park.

The Council's Legal Representative raised 3 key points in response to points made by Mr Toller and Mr Duthie's representations:

- *Should not be delegated to Head of Service* – it is appropriate to delegate authority to finalise the S106 and conditions; the work is largely complete ; the Conditions are in almost final form, the S106 is near final form but also needs to be reviewed by the County.
- *Changes more than minor* – there is a need for sensible discretion for the Head of Planning and there was nothing unusual about that in applications of this type.
- *Series of Drafting Points in S106 not sufficiently clear and precise* – the S106 had been reviewed, officers had responded to detailed drafting comments made by Mr Duthie and the legal representative was satisfied that the S106 was sufficiently clear and precise for the purposes of Reg 122.

The Council's Legal Representative also responded to the point made about traffic counts by Mr Toller in his address to the Committee. An assessment had been carried out at this outline stage including traffic counts. Mitigation works will be scoped and agreed prior to commencement of each phase, and there will be a further opportunity for traffic counts at this stage. Once each phase of the development has been built, the effectiveness of the mitigation will be monitored under the monitor and manage mechanism.

The Council's Legal Representative also confirmed that there is now agreement from the County on the Public Transport Contribution essentially in relation to bus services and the Travel Plan obligations are sufficiently detailed. He also confirmed that a 10 year clawback period for financial contributions to be paid to the Council is considered by officers to be normal and sufficient.

He referred to the huge amount of work by officers that had gone into the S106 and conditions and referral to the Secretary of State since the last Committee and commended the recommendation and that he was satisfied that all legal requirements had been satisfactorily dealt with. Councillor Dady asked if the recommendation could be amended to include the wording 'in consultation with the Chair' after 'Head of Planning and Environmental Services; . After comments by Cllr Watts, the Chair and Mr Oteng and the Legal Representative, this suggestion was not taken forward by Committee.

Cllr Watts expressed concerns about the increase in large lorries but hoped the site would be a success.

The Legal Representative advised that all Reserved Matters would come forward for separate approval and any matters that need to go to Committee would be put before the Committee.

He also reiterated that the effectiveness of mitigation measures would be assessed on a phase by phase basis and represented a comprehensive package agreed in liaison with the County Council.

Mr Oteng confirmed that the final completed S106 would be made available in the public domain.

Cllr Addison moved to approve. Cllr Brown seconded.

**RESOLVED that: -**

Approval subject to delegated authority being given to the Head of Planning and Environmental Services to determine the application, finalise the planning conditions and s106 obligations set out in this Update Report and to complete the Section 106 Agreement.

**25. Close of Meeting**

The meeting closed at 8.10pm.