

Development Control Committee

Tuesday 26 January 2016

7.00 pm in the Council Chamber, The Cube, Corby

Present: Councillor – Latta, Chair
Councillors Addison, Goult, Eyles, Riley, Sims

32. Apologies for Absence

Apologies for absence were received from Councillors. Councillor Eyles was present as a substitute for Councillor Cassidy.

33. 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. There were no declarations.

34. Minutes of the Previous Meeting

RESOLVED that:-

The minutes of the meeting held on the 8 December 2015, copies of which had been circulated to Members, be received and agreed as a correct record.

35.1 15/00111/DPA **Proposed New Class A1 Food Retail Store, With Associated Car Parking, Servicing and Landscaping – Land Off Saxon Way West, Corby for Aldi Stores Ltd**

The Planning Officer presented a report on an application on a piece of land bounded by Saxon Way West, Oakley Hay Roundabout and Oakley Road with Corby Town Centre around 4k away making it an out of centre retail planning application.

The application proposed erection of a Class A1 food store and was proposed to be a single storey building with the roof sloping front to back, glazing to the entrance and main facades and cladding.

A new site entrance would be required supplemented with a new right turn for vehicles entering from the south, a new footpath had been proposed leading from the Headway.

Relevant policies had been considered and consultation had taken place with Natural England, Environmental Quality, Environment Agency, Crime Prevention Design Advisor, Local Plans, Anglian Water, Highway Authority and Northants Wildlife Trust, comments were contained within the report.

A site notice had been displayed, a public notice had been published in the local evening paper and neighbour notifications had been sent, all relevant comments were contained within the report.

The site had been promoted as Class B (employment) use, however, overall employment land commitments were extensive and it was concluded that the loss of the site did not have any material impact on employment land supply.

The benefits that would be realised included continued investment in the local economy and the creation of 30 jobs.

Mr Williams attended the meeting and addressed Committee on behalf of Aldi Stores Ltd. He said Aldi were keen to increase their presence in Corby and would eventually like to have three stores in the town, the aim was to meet high demand and cut travelling time for customers. A lot of hard work had gone into making this happen and Highways had concluded there would be limited impact, the design was considered high quality and this was a multi million pound investment creating up to 40 jobs and so it was considered that the benefits

outweighed the disadvantages. Mr Williams thanked the Committee and asked that they pass the application.

Members felt this would be good for the town although there were some concerns about the traffic, they congratulated the officer on the report and were pleased to see the site being used but asked that no works take place that would affect the nesting season.

The officer responded that there were conditions regarding ecology and so the nesting should be protected.

RESOLVED that:-

The Head of Planning and Environmental Services be authorised to grant planning permission subject to no material representations being received during the re-advertisement period as a departure application, and subject to the following conditions:

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

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby approved shall be fully implemented in accordance with the following approved plans and statements:

- A13A71 – P001 Site Location Plan 1:1250 @ A4
- A13A71 – P002 Existing Site Plan 1:200 @ A0
- A13A71 – P003 Rev B Proposed Site Plan 1:250 @ A0
- A13A71 – P004 Proposed Drainage Plan 1:250 @ A0
- A13A71 – P005 Proposed Landscape Plan 1:250 @ A0
- A13A71 – P006 Proposed Site Sections 1:250 @ A1
- A13A71 – P201 Proposed Floor Plan 1:125 @ A1
- A13A71 – P202 Proposed Elevations 1:100 @ A1
- MJA-P105-4005-D Revised External Lighting 1:500 @ A0
- 14035 – 010.DWG Rev G Proposed Site Access 1:500 @ A3
- Preliminary Ecological Assessment RT-MME-117115-24-01 by Middlemarch Environmental
- Land Contamination Phase 1 Environmental Site Assessment – B1057-Doc-)1 Rev X1 by Webb Yates Engineers
- Environmental Noise Survey and Plant Noise impact Assessment BS 33774/NIA by Noise Solutions Ltd
- Phase 1 Flood Risk Assessment 2216 by Ambiantal Technical Solutions Ltd
- Transport Assessment by Connect Consultants
- Travel Plan by Connect Consultants

Reason: To ensure the scheme is implemented as approved and for clarity.

3. Prior to the commencement of building construction (namely, above ground works), sample panels of materials to be used on the external faces of the buildings shall be made available on site for the approval of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter retained as such.

Reason: To secure an acceptable appearance consistent with Policy 13 of the North Northamptonshire Core Spatial Strategy.

4. Prior to the commencement of surfacing to the car park and public areas, details of the designs, colours and samples of materials to be used on the ground surface shall be made available on site and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first use of the retail store and thereafter retained as such.

Reason: To secure an acceptable appearance consistent with Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. Prior to the commencement of development an investigation and risk assessment (which shall include a Phase 2 land investigation) to identify the potential for contamination of the site, including its nature and extent together with a strategy for remediation should contamination be found shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall thereafter only take place in accordance with any agreed Remediation Strategy.

Reason: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the Remediation Strategy detailing how this unexpected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the development and neighbouring land are minimised.

7. The soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: the interests of visual amenity and to comply with Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The development shall be carried out in accordance with the recommendations in the Preliminary Ecological Assessment Report No: RT-MME-117115-24-01 by Middlemarch Environmental.

Reason: In the interests of ecological interest of the site in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

9. The development shall be carried out in accordance with the requirements in the Environmental Noise Survey and Plant Noise Impact Assessment Ref: BS 33774/NIA by Noise Solutions Ltd.

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

10. No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul sewage infrastructure on and off site has been submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through the provision of suitable water infrastructure in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

11. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

12. HGV delivery times shall be scheduled outside public opening hours.

Reason: To allow onsite manoeuvres to be carried out safely in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

13. No part of the development shall be brought into use until the vehicular access to the development has been upgraded in accordance with the submitted details and to incorporate the requirements below unless alternative details are submitted and approved in writing by the Local Planning Authority. The access shall:

- provide vehicular visibility splays of 4.5 metres by 52 metres to the south and 54 metres to the north at the junction with Saxon Way West and shall be provided clear of obstruction at a height of 0.6 metres above the carriageway level
- be drained to prevent surface water entering the highway
- provide visual demarcation of the junction between adopted and private surfacing

and thereafter maintained.

Reason: In the interests of highway safety and to accord with Policy 13 of The North Northamptonshire Core Spatial Strategy.

14. Details of street lighting in relation to the additional highway works shall be submitted and agreed in writing by the Local Planning Authority. The building shall not be occupied until the works have been carried out in accordance with the approved scheme.

Reason: In the interests of highway safety and to accord with Policy 13 of The North Northamptonshire Core Spatial Strategy.

15. Prior to the commencement of development hereby permitted, a full Construction Traffic Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:

- detailed work programme/timetable
- site HGV delivery/removal hours to be limited to between 10:00-16:00
- detailed routing for demolition, excavation, construction and abnormal loads
- supply of pre-journey information on routing and site restrictions to contractors, deliveries and visitors
- detailed plan showing the location of onsite stores and facilities including the site compound, contractor and visitor parking and turning as well as loading and unloading points, turning and queuing for HGVs
- breakdown of number, type, size and weight of vehicles over demolition and construction period
- details of debris management including location of wheel wash, programme to control debris spill/tracking onto the highway to also include sheeting/sealing of vehicles and dust management
- details of public impact and protection to include road, footway, cycleway and public right of ways. Details of traffic regulation orders and road/cycleway/public rights of way closures and re-routings as well as signage, barriers and remediation
- public liaison position, name, contact details of public consultation/liaison
- route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays
- pre and post works inspection of the highway between Oakley Hay roundabout and the junction of the site as requested to identify remediation works to be carried out by the developer. Inspections are to be carried out in the presence of a member of the Highway Authorities inspection team. To also include the removal of traffic regulation orders, temporary signage, barriers and diversions
- overall strategy for managing environmental impacts which arise during the project
- details of temporary construction accesses and their remediation post project

- noise control methods
- provision for emergency vehicles
- waste audit and scheme for waste minimisation including recycling/disposing of waste resulting from construction works including confirmation of any material exports, routing and deposition sites.

Reason: In the interests of highway safety and to accord with Policy 13 of The North Northamptonshire Core Spatial Strategy.

16. The premises hereby permitted shall only be used for the purpose of food retail store and for no other purpose (including any other purpose in Class A1 of the Use Classes Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior permission in writing of the Local Planning Authority.

Reason: To minimise the impact of the development on the vitality and viability of Corby town centre in accordance with Policy 12 of the North Northamptonshire Core Spatial Strategy 2008.

17. The building shall only be used as a single retail unit and shall not be sub-divided into separate shop units.

Reason: To control use of the retail floor space as approved and to preserve the building for the retailing of food in accordance with the application submission in the interest of the vitality and viability of Corby town centre. This is in accordance with Policy 12 of the North Northamptonshire Core Spatial Strategy 2008.

Reasons for Approval:

The site is promoted for employment (Class B) use by present planning policies. However, overall employment land commitments are extensive. It is readily concluded the loss of the site will not have a material impact on employment land supply. The NPPF is clear in its focus on delivering sustainable economic growth. The benefits that will be realised if planning permission is granted include continued investment in the local economy, and the immediate creation of up to 30 jobs.

Compliance with the sequential and retail impact approach has been demonstrated and it is unlikely there will be any significant adverse impact on the town centre. Full compliance, therefore, has been secured with national retail planning policies.

Design and layout issues are also acceptable and have been revised to take account of crime prevention issues. Connectivity to adjacent residential areas has been secured as part of the development proposal. These all help to ensure the development is well connected.

Highway issues have been resolved with the access considered to be acceptable subject to a number of conditions.

The application as submitted is therefore considered to accord with guidance in the National Planning Policy Framework, National Planning Policy Guidance, Policies 11, 13 and 14 of the North Northamptonshire Core Spatial Strategy and 'Saved' Policies J11 and P1(E) of the Corby Borough Local Plan.

Statement of Applicant Involvement:

Discussions with the applicant have led to the provision of additional information which addresses crime prevention matters, highway works, and concerns relating to the town centre use being located outside of the town centre

35.2 15/00301/DPA Outline application for up to 31 dwellings with new access, landscape and layout detailed for approval at Land off Bury Close, Cottingham for Kiff & Troke Partnership

This was a revised submission of 31 properties, the previous application considered in January 2015 was for 57 properties and was refused and had become the subject of an

appeal hearing. The appellants submitted an amended plan to the Inspector who decided that the much reduced scheme merited public consultation.

The reduced development had attracted a lot of interest, was still a major development with significant changes to the villages of Cottingham and Middleton and potentially wider impacts to the Jurassic Way and unplanned future growth of the villages. The Committee's view would form part of the Council's evidence to the Hearing in May 2016 with the final decision being made by the Planning Inspector.

The application site was to the rear of Bury Close and Cottingham Hall a Grade II* listed building and bounded by the Jurassic Way public footpath, the rear gardens of properties on Main Street and Camsdale Walk to the west, Church Street properties and a pocket park also framed the site.

There were a large number of protected trees on the site and Formal Avenue of trees leading to the Hall. The site was outside the Conservation Areas of both villages but formed an open area between the two. The site comprised parcels of land to the rear of Bury House and the land historically associated with Bury House (Cottingham Hall), this Grade II* listed building was a particularly important building of more than special interest in National terms.

There had been two previous applications on the site both had been refused and the current application was the revised submission. Relevant policies had been considered and consultation had taken place with Cottingham PC, Middleton PC, Wilbarston PC, Natural England, Northants Bat Group, Wildlife Trust, CBC Landscape Consultant, CBC Tree Officer, Historic England, Ramblers, NCC Education, Environment Agency (comments awaited), Highway Authority (comments awaited), Anglian Water (comments awaited) and County Archaeologist (comments awaited).

Relevant advertising and neighbour notifications had been completed with comments contained within the report.

The officer's report contained detailed information on the main planning issues relevant to the appeal, assessment of sustainability, impact on heritage assets, conservation area impact and re-appraisal, social dimension, planning balance, other material considerations.

Mr Davison attended the meeting and spoke on behalf of Cottingham Parish Council, he thanked the officers for their hard work and that the full objections had been reported.

He said that the application was not sustainable and that the benefits did not stack up, the housing might well provide custom for the shop/cafe but there would be fewer visitors as the views would have gone, the best views of Cottingham Hall were from the Jurassic Way. The applicant had been trying since 2006 to get planning permission with a succession of changes causing CBC unnecessary work and expense and so he was asking that the Committee refuse the application.

Mr Freeman attended the meeting on behalf of Middleton Parish Council, he urged the Committee to reject the application, the area was outstanding natural landscape, the buildings would compromise the Jurassic Way, this was a local resource that must be protected as it would intrude into the landscape.

There would be issues with traffic, drainage and the natural springs, residence were not opposed to development, there had been other building works within the village but this was entirely unsuitable and it was hoped the planning inspector would agree and formalise this in May.

Mr Rogers addressed Committee as Walk Leader for the Healthy Walking Group, this was a local group of 150 with walks taking place twice a week with usually 40/50 people at a time. People travelled from local towns and villages to enjoy walking the Jurassic Way and frequently stopped to admire the view across the valley. This application would have an adverse effect and as Northamptonshire was the 5th fattest county in the country we should continue to provide walks and so we stand with the Parish Councils.

Mr Bowen addressed the Committee on behalf of Mr Stephen Craic owner of Cottingham Hall, the Hall was a Grade II* Listed Building, the land once belonged to the Hall, this application would be detrimental to the setting of the Hall. The Jurassic Way affords the best views of the Hall, this would be lost and have a major visual impact, English Heritage had said that special regard should be given to preserving settings, this development would be harmful and have a negative impact and the local planning authority have concerns, and special attention to enhancing the area was needed. The new planning framework highlighted the need to protect, heritage assets and enhance and note the significance of the setting, there would be adverse impact and the application should not be permitted, Committee were urged to reject.

Miss Smith read from a letter from a 20 year old villager, it said that as a child the young girl had walked her dogs along Jurassic Way, looking out over the valley, on sunny evenings and weekends her friends had visited from Corby and they had spent time up there to escape from the pressures of studying. It was somewhere safe that their parents would allow them to go knowing they would stay out of trouble.

Within walking distance of Corby the Jurassic Way was the perfect piece of British Countryside for the whole Borough to enjoy, the view was breathtakingly beautiful. I can't visualise my friends and I returning if the development goes ahead, this would be a shame as I would have liked to take my future children there.

Teenagers get bad press for hanging around shopping centres, play areas and bus stops etc. if you take away the special outdoor spaces used as refuges where can they go. I have written this letter because once this view has gone it will be forever.

Members congratulated the officer, the report covered everything, however, Members were disappointed that statutory bodies like Anglian Water had not yet responded. Councillor Rutt advised that the sewer system from the top of Glover Court to the sewage plant was unable to take the extra flow from the amount of houses proposed.

Members were also concerned that if permission was given then at some point the applicant may come back to try to build on the rest of the land. This was not a sustainable site and it would be detrimental to tourism as something beautiful would be lost.

RESOLVED that:-

In the event that the application was not the subject of an appeal, permission would have been refused for the following reasons:

The proposed development is not sustainable development given the following deficiencies:

1. Given the cumulative impact with existing housing development causes unacceptable and unjustified harm to the significance and setting of the Grade II* Listed Building Cottingham Hall and the Cottingham and Middleton Conservation Area. Any public benefit of the proposal would not outweigh the less than substantial harm to the significance of Cottingham Hall and harm to the Conservation Area.
2. By virtue of its location on the scarp slope and its scale and density, the proposal results in the loss of open land and significant change to the landform, causing harm to a sensitive and important area of landscape character.
3. The harm that would arise to local and longer distance views, in particular from the Jurassic Way.
4. Insufficient information is given on layout matters concerning landscape details, open space management arrangements, and measures to prevent loss of harm to trees protected by a Tree Preservation Order..

The proposal therefore is thereby considered to be contrary to the principles and policies within the National Planning Policy Framework and the North Northamptonshire Core Spatial Strategy (Policies 1, 5, 7, 9 and 10 and 13) which seeks to deliver sustainable development that protects heritage assets and green infrastructure.

The strategy specifically restricts housing growth in rural settlements, and also concentrates growth where it has the greatest opportunity for supporting or creating self-sufficient societies and economies. The NPPF looks to promote a low-carbon economy and directs growth to where the need for travel is minimised and the use of sustainable modes of travel is maximised. The development is of a scale and in a location that undermines this strategy.

It is acknowledged that the scheme contributes towards housing delivery and affordable housing in the borough however these benefits do not outweigh the harm arising from conflicts with the development plan and the harm from the scheme.

Members authorise officers to adapt the case as necessary in the light of subsequent advice that may be received given the re-consultation to be carried out on the applicant's new ecology report, any response from Anglian Water and other material planning considerations that may arise prior to the Hearing.

36 Close of Meeting

The meeting closed at 7.55 pm.