

Development Control Committee

Tuesday 29 October 2019

7.00 pm in Council Chamber, The Cube, Corby

Present: Councillor Riley – Chair
Councillors Dady, Eyles, Latta, Caine, Reay & Watt

28. Apologies for Absence

Apologies for absence were received from Councillors Addison, Brown & Sims.

29. 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.

30. Minutes of Previous Meeting

Members were requested to approve the minutes of the Development Control Committee meeting held on 26 September 2019 and 1 October 2019, copies of which had been circulated.

RESOLVED that:-

The minutes of the meeting of the Development Control Committee held on 26 September 2019 and 1 October 2019 copies of which had been circulated to Members, be agreed as a correct record

31. Planning Applications

31.1 19/00071/REM Construction of food store (A1), 10 commercial units (A1-A5, D1, B1), gymnasium (D2), ancillary service road and service area, sub-station, car parking, landscaping, drainage, utilities infrastructure and associated works AT parcels DC1 and DC2 Priors Hall Zone 1.

The report presented to Committee sought planning consent for construction of a District Centre at Priors Hall Zone 1.

Relevant policies had been taken into consideration with the report showing a comprehensive list of those policies. Consultation had taken place with all relevant internal departments and external consultation with all statutory consultees, all comments were contained within the report. Notices had been posted and placed in the press resulting in 4 letters of objection, these were summarised in the report.

The principle of development had been established in previous applications and the reserved matters sought approval for the following land uses and floorspace quantities:

- 1 Convenience store (A1 – 418m²)
- 10 smaller Retail units (A1 to A5, B1, D1 -combined 692 m²)
- 1 Gymnasium (D2 – 640m²)

The Police Crime Prevention Officer had requested further details in relation to boundary treatment, details of proposed locks and further information regarding the CCTV.

A Transport Statement and Travel Plan had been provided and were acceptable to the Highway Authority.

The District Centre was envisaged as a mixed use local centre including commercial and cultural uses providing facilities for those living and working in Priors Hall and attracting visitors to the area.

The officer advised that several conditions could be removed in the resolution as they had already been complied with.

RESOLVED that:

Conditions

1. Nothing herein contained shall be deemed to affect or vary the conditions imposed on outline planning permission ref. 13/00026/RVC, which shall continue in full force save insofar as they are expressly varied by any conditions imposed hereby.

Reason. For the avoidance of doubt.

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:

- 6761_100_H
- 6761_101_G
- 6761_110
- 6761_111
- 6761_120
- 18136_0301_016
- 18136_0310_05
- 18136_0311_06
- 18136_0320_04
- 18136_0321_04
- 18136_0330_05
- 18136_0340_04
- 18136_0341_03
- 30000_07
- 33000_P08
- 63001_P06
- Sustainability Statement

3. Prior to the occupation of the development hereby permitted, the car parking area shown on the approved drawings shall be constructed, surfaced and permanently marked out. The car parking area shall be used for no other purpose thereafter.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or safety on the neighbouring highway.

4. Prior to the occupation of the development hereby permitted, all soft landscaping works shall be carried out in accordance with the approved landscaping scheme. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. Within 18 months of the occupation of the development hereby permitted, evidence confirming the achievement of BREEAM Very Good for the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development complies with the Council's objective for sustainable development in accordance with Policy 9 of the Joint Northamptonshire Core Strategy 2016.

6. Prior to the fit out of any commercial unit which requires any mechanical plant equipment (including, but not limited to air handling plant, flues, motors, air conditioning units and

compactors), details of the mechanical plant equipment that is to be installed shall be submitted to and approved in writing by the Local Planning Authority. Any mechanical plant equipment shall be installed in accordance with the approved details for each commercial unit prior to the occupation of that commercial unit.

Reason: To ensure that adequate precautions are implemented to avoid noise nuisance and visual pollution in accordance with saved Policy P1 of the Corby Local Plan and Policy 9 of the Joint Northamptonshire Core Strategy 2016.

7. The opening hours of any commercial unit hereby permitted shall be restricted to the following:

- For units occupied by A1 and A2 uses - between 6am and 11pm Monday to Saturday, and between 7.30am and 10.30pm on Sundays.
- For units occupied by A3 uses – between 7am and 11pm Monday to Saturday, and between 9am and 10.30pm on Sundays.
- For units occupied by A4 uses – between 11am and 11pm Monday to Sunday
- For units occupied by A5 uses – between 7am and 11pm Monday to Saturday and between 9am and 10.30pm on Sundays.
- For units occupied by D1 uses - between 7am and 10pm Monday to Saturday and 8am and 6pm on Sunday
- For units occupied by D2 uses - between 6am and 11pm Monday to Saturday and 7am and 10pm on Sunday

Reason: To limit the detrimental effect on adjoining occupiers by reason of noise and disturbance and to ensure the development does not prejudice the enjoyment of neighbouring properties in accordance with saved Policy P1 of the Corby Local Plan and Policy 9 of the Joint Northamptonshire Core Strategy 2016.

8. All deliveries to any commercial unit hereby permitted shall be restricted to the following:

06:00 - 23:00 Monday to Sunday.

Reason: To limit the detrimental effect on adjoining occupiers by reason of noise and disturbance and to ensure the development does not prejudice the enjoyment of neighbouring properties in accordance with saved Policy P1 of the Corby Local Plan and Policy 9 of the Joint Northamptonshire Core Strategy 2016.

9. All refuse collections to any commercial unit hereby permitted shall be restricted to the following:

06:30 - 20:00 Monday to Saturday No Refuse Collections on Sundays or Bank Holidays

Reason: To limit the detrimental effect on adjoining occupiers by reason of noise and disturbance and to ensure the development does not prejudice the enjoyment of neighbouring properties in accordance with saved Policy P1 of the Corby Local Plan and Policy 9 of the Joint Northamptonshire Core Strategy 2016.

10. No building or other site works during the construction period likely to cause nuisance to adjoining residents or occupiers shall be carried out before 7:30am or after 8pm Mondays to Fridays nor before 7:30am or after 5pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To limit the detrimental effect on adjoining residents or occupiers by reason of noise and disturbance.

11. No building or other site works during the construction period likely to cause nuisance to adjoining residents or occupiers shall be carried out before 7:30 or after 8pm Mondays to Fridays and 7:30 to 5pm on Saturdays or at any time on Sundays or Bank holidays.

Reason: In recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Performance Framework

12. Prior to the occupation of the development hereby permitted details regarding the boundary treatment, bollards and ATM security must be submitted and approved by the Local Planning Authority in consultation with the Crime Prevention Design Advisor.

Reason: In the interest in safety and crime prevention in accordance with Policy 13 of the North Northampton joint Core Strategy.

13. Before any above ground works commence a detailed design of surface water drainage scheme for the site based on the approved Flood Risk Assessment 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 which demonstrate that there is no surcharge in the drainage system for the 1 in 1 year, no flooding for the 1 in 30 year and flooding for the 1 in 100 year storm event is in areas away from buildings and designed to flood.
 - iii) Cross sections of control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves should be submitted for all hydrobrakes and other flow control devices.
 - iii) Detailed scheme for the ownership and maintenance (to include a maintenance schedule) for every element, private and adopted, of the surface water drainage system.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site

14. No Occupation shall take place until the Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment, has been submitted in writing by a suitably qualified independent 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) 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

31.2 19/00407/REG3 Erection of workshop for use by the local community AT Woodsend Bowling Club, Gainsborough Road, Corby

It was proposed to construct a grey steel workshop structure to be used as The Corby Community Shed Project, there would be three workshops aimed at older people (but not exclusive to) who often experienced social isolation/exclusion/loneliness and mental health issues. The Shed was intended to promote community cohesion and improve mental wellbeing.

Relevant policies had been considered and internal consultation had taken place, comments were in the officer's report, relevant advertising had been carried out.

There would be no impact on neighbour's amenity or the character of the area, therefore the proposed development caused no harm to the surrounding area.

Members commented that they were pleased to see something like this being put in place, they were however concerned about the car park to the facility which was substandard.

RESOLVED that:

Approve subject to the following conditions:

1. Full planning permission

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. List of Approved Plans and Drawings

The development shall conform in all aspects with the plans and details shown in the schedule of plans as listed below, unless variations are agreed by the Local Planning Authority.

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. Operating Hours

The use of the community workshop shall not be carried out outside the hours of 09:00 to 21:00 Monday to Sunday.

Reason: To safeguard the residential amenity of nearby occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Land Contamination

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 and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

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.

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.

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.

31.3 19/00434/REG4 Change of use of former rear yard of retail unit into residential garden and erection of boundary wall AT 97 Ripley Walk, Corby

The report related to a derelict plot of land located behind 97 Ripley Walk, the area had been designed on Radburn Principles, this had encouraged anti-social behaviour in this area of Kingswood as there was no natural surveillance.

Canada Square had been redeveloped and the shops which had been adjacent to the application site had been demolished leaving an additional anti-social behaviour enclave with a walled off 'dead' space hidden from view. This space had low amenity value and had previously been used as additional storage for the retail units.

The land would be incorporated into the garden of 97 Ripley Walk to give additional garden space.

Planning Policy had been considered and consultation had taken place with internal and external consultees, relevant notifications had been posted and neighbour letters sent, no objections had been received.

Members asked that in future photographs gave a better representation of the area and that the land would only be used as garden land.

Officers confirmed that the land was for garden use only and would in future try to ensure the photographs gave a clearer idea of the immediate area to the application.

RESOLVED that:

1. Approve subject to the following conditions:

1. Full planning permission

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. List of Approved Plans and Drawings

The development shall conform in all aspects with the plans and details shown in the schedule of plans as listed below, unless variations are agreed by the Local Planning Authority.

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.

Informative

The applicant should note that the change of use to private garden land does not automatically incorporate the land within the curtilage of the host dwelling. Therefore, any permitted development rights which relate to development within the curtilage of a dwelling house will not automatically be applied to this land.

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. 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.

32. Urgent Item – Sixth Deed of Variation to Section 106 Agreement – Land at Priors Hall Park

The report presented to Committee was to inform that the sheltered housing scheme under planning permission 04/00240/OUT was not saleable, the consented scheme was for 120 units, 80 being sheltered accommodation and 40 being 2 bed shared ownership tenure housing. The approach put forward by the applicant was to replace the sheltered housing with 100% housing units.

Relevant policies had been taken into account and the applicant had engaged with officers of the Council Development Management Team in seeking to vary the Section 106 planning

obligation, the Development Management Team then met with the Housing Strategy Team who raised no formal objections to the variation of the Planning Obligations.

Acceptability of the Applicant's case for variation:

- a. The applicant had advanced the case that, a reduction in the quantum of affordable housing in Zone 1 was necessary in order to deliver affordable homes and market homes in Zone 1. Whilst 120 affordable units were initially intended to be built in Zone 1 (comprising 80 Sheltered units as required by the Principal Agreement and 40 Shared ownerships), the remaining 315 units in Zone 2.
- b. The applicants' case for reduction was that the delivery of 120 affordable homes was not viable and that it would likely result in the applicant incurring a cost in excess of £800,000.
- c. The appointed independent assessor White Land Strategies considered two scenarios based upon the applicant's submitted proposal for reduction of the numbers in the Principal Agreement.
- d. The first scenario was to consider a compliant scheme in line with the Technical Housing Standard Nationally Described Space Standards (NDSS). The approach here would require the applicant to deliver units to be a minimum size. "The appraisal is structured to accommodate 120 units at the minimum NDSS size per unit. The development space schedule equates to 105,626 sqft. An alternative non-compliant NDSS appraisal is submitted for the 120 units based on smaller unit sizes equating to a floorspace area of 94,300 sqft.

The second scenario is a reduced number of units within both the NDSS compliant and non NDSS compliant options. "The unit numbers being reduced to provide a floorspace of 58,000 sqft (the equivalent of the consented floorspace)."

Applicants Preferred Option of the two Scenarios:

- a. The applicant preferred option is for scenario two to build 58,00sqft on 3.8ha which in their view would generate the smallest loss when compared to the first scenario.
- b. The viability assessment carried out for the Council draw the conclusion that the substitution of 80 Sheltered flats with shared ownership houses of an equal square footage (85,00 sqft), and therefore equal build cost, would equate to 35 shared ownership houses. On this basis the Council if it agrees with the assessors findings on the understanding that the principal of substituting Sheltered units with Shared ownership homes, and maintaining build costs for a scheme which is not viable, it should accept that the affordable provision for Zone 1 should result in an adjustment to provide the following:
 - c. 40 Shared ownership units (in line with the Principal Agreement);
 - d. 35 Shared units (as opposed to 80 Sheltered units);
 - e. Therefore equating to 75 Units in total as opposed to 120 units.

The reduction would therefore result in the overall Principal Agreement having a reduced provision from 435 to 390 units.

The viability assessment by White Land Strategies had due regard to policy advice in the NPPF 2019 and PPG on viability with a realistic assessment of contributions offered by the applicant. The assessment allowed for sufficient return for the developer in order that the site comes forward for development.

Members of the Committee were disappointed that the developer was asking for the social housing element to be removed, the application when first submitted was agreed on the basis this housing was provided in line with the Planning Authorities policies.

The Legal Officer explained that the applicant had come forward with viability issues and officers had asked for an independent assessment which showed that this was the case.

Members said this had become the norm with applications coming in and being agreed only for the applicant to then say social housing was not viable, affordable housing (rent to buy)

was not affordable for everyone, this request if passed would mean that there would be no social housing on the site at all. Applicants could not have it both ways, they should be assisting those who cannot afford to buy.

Officers suggested that a condition be imposed to review so that if market conditions were to change the applicants would have to look at the situation again. The Legal Officer suggested that a lot of thought would have to go into this and so Members could defer whilst the condition was considered. If Members were minded to refuse then the applicant could appeal but if a condition was added it would have to be proportionate, fair, relevant and specific.

Resolved that:

The application be deferred so that officers could produce and submit back to the committee an appropriate measured condition and the matter brought back to the Committee for further consideration.

33. Close of Meeting

The meeting closed at 7.55pm.