

**Application for Planning Permission**

<b>17/00367/DPA</b>	<b>McDonalds Freestanding Two Storey Restaurant With Drive – Thru, Car Parking, Landscaping And Associated Works, Costa Coffee Cafe And Drive-Thru And 2 Commercial Units Totalling 232m2 Use Class A1-A5 And Associated Parking, Access And Landscaping</b>
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**Background Details:**

1. The application site forms part of an existing commercial site known as the Corby Southern Gateway, Little Colliers Field. Access is gained via an existing vehicular access off Oakley Hay roundabout serving Oakley Road and the A6003 Uppingham Road. The site presently contains a petrol filling station, Londis Store and a Greggs retail outlet which operates 24 hours per day seven days per week. The existing access road also serves a new housing development currently under construction, Premier Inn and a Beefeater restaurant. The original outline Planning Permission granted for the site identified the land as future employment land. The site owners have undertaken extensive marketing of the site with the main interest in developing the site restricted to the uses now being proposed
2. The site is relatively flat in nature and is not constrained by any ecological or heritage designations. Some tree and shrub cover exists close to the site boundary with the proposed development leading to the removal of 12 low quality trees from the main group of trees. The site has previously been mainly cleared as part of the previous commercial development.
3. There is an extensive planning history relating to the site primarily concerning various commercial uses. The current proposal is for a McDonalds and Costa drive thru restaurants and two commercial units.

**Description:**

4. This application seeks consent for a McDonalds drive thru restaurant with associated car parking, a drive thru Costa, again with its own car parking area and two separate mixed use commercial units.

**History:**

Relevant Planning History includes:

5. 02/00167/OUT: Construction of hotel, health and fitness uses, and a fast food drive thru/restaurant – Application Permitted 19th July 2002
6. 04/00228/OUT: Residential development including detailed application for offices, hotel and B2 use – Permitted in 2004
7. 04/00106/DPA: Provision of restaurant/public house (A3 use), landscaping and associated car parking – Application Permitted 1<sup>st</sup> April 2005
8. 06/00377/REM: 239 dwellings Application Permitted 31<sup>st</sup> January 2007
9. 07/00128/DPA: 56 bed premier travel inn and pub/restaurant – Application Permitted 29<sup>th</sup> June 2007
10. 08/00528/DPA: Reconstruction of existing on site storm water infrastructure including the provision of new sewers and manholes – Application Permitted 2<sup>nd</sup> February 2009

11. 10/00330/DPA: Fuel filling station with covered canopy, A1 retail and A5 food outlet – Application Permitted 3<sup>rd</sup> June 2011
12. 11/00461/DPA: Proposed Office with attached warehouse – Application Permitted 28<sup>th</sup> June 2012
13. 14/00088/OUT: Outline planning application for 48 dwellings, open space,
14. 15/00479/REM: Reserved matters application for 48 dwellings and associated public open space with access from Little Colliers Field – Application Permitted 28<sup>th</sup> April 2016

**Policies:**

15. The National Planning Policy Framework (NPPF) paragraphs 7, 14, 22, 24, 32, 35, 39, 123.
16. Policies 1, 8, 9, 12, 22 and 23 of the North Northamptonshire Joint Core Strategy.

**Consultation:**

17. Highway Authority – Notes that the site is located off the public highway and on private streets, recommends enlarged parking bays for light goods vehicles/4x4s, require a Travel Plan and a £20000 contribution towards a wider future off site mitigation scheme. Recommended conditions include provision of additional bus stops and uncontrolled pedestrian crossings adjacent to the emergency access with Frith Close, provision of a travel plan, submission of full engineering and construction plans for off-site works as well as on site detail and submission of a Construction Management Plan.
18. Environmental Services – request an unexpected contamination condition and a scheme for odour abatement to be supplied.
19. NCC Joint Planning Unit (Ecology) – no objection, consider that there is minimal impact on biodiversity but condition required to ensure that the recommendations contained in the Extended Phase 1 Habitat Survey Report are implemented.
20. Environment Agency – No objection
21. NCC Surface Water Drainage Assessment Team – No objection
22. Northamptonshire Wildlife Trust - No objection.
23. NCC Crime Prevention officer – advises that although not objecting in principle to the scheme in order to assist in designing out crime the proposed scheme should incorporate a lighting scheme to assist in site safety, security and anti-social behaviour, ensure openings are properly secured, bin store design should prevent unauthorised access or arson, a CCTV system should be provided, boundary treatment should prevent unauthorised access.

**Advertisement/Representation:**

24. Site Notice – published 11<sup>th</sup> August 2017
25. Neighbour Notification –
  - 1, 2, 3, 25, 26, 27, 28, 30 Little Colliers Field
26. Summary of material Representations on the amended scheme (3 objections) –
  - Potential for anti-social behaviour.
  - Impact on childrens play area.
  - Odour and noise impact
  - Traffic and parking impact due to increased traffic movement.
  - Litter generation
  - Potential loss of trees and open space
  - Loss of privacy

## **Report:**

### Site Location and Proposed development

27. This application relates to a proposed development consisting a drive thru McDonalds and Costa with associated works along with two additional A1 – A5 use commercial units located on land adjoining the Oakley Hay roundabout on the A6003. As noted the site already has a number of commercial uses including a Premier Inn, restaurant, petrol filling station and a Greggs store. The application site has previous Planning Permission for industrial use. The site is currently vacant and located immediately to the rear of the existing petrol station and to the west of an open space area associated with a new residential development of 48 dwellings.
28. The overall site measures 0.68 hectares in area and has a sloped bank with tree planting to the southern boundary. Vehicular access is gained via the existing access road leading from the A6003. The proposed McDonalds building is located close to the western site boundary with associated parking immediately to the east of the new building. 37 car parking spaces are provided. The new building is two storey in height with a gross external area of 586 m2. The design of the building is pre-fabricated in nature with external materials consisting a mix of glass, stone, wood effect and aluminium cladding.
29. The eastern part of the site includes provision of a single storey Costa Coffee 'drive-thru' restaurant which again is pre-fabricated in design with external materials consisting glazing, wood cladding and render walls. Two additional A1 – A5 retail/restaurant units are proposed to the north east corner of the site, again the units are single storey with external materials consisting glazing and cladding panels. The three units are served by a 36 bay car park, associated bin storage and landscaping.
30. The main landscape belt to the southern boundary will be retained although a small number of poor quality trees will be removed to facilitate the proposed development. Land outside the car park/footpath areas will be laid to grass.

### Principle of development

31. As noted the site originally benefitted from Permission for industrial employment units and clearly the proposed uses are a departure from previous proposals. In addition consideration should be given to the addition of 'town centre uses' in an out of town location. The development is below the threshold set down within paragraph 24 of the NPPF for a full retail impact assessment, however the applicant has provided a Sequential Retail Assessment which concludes that there are no other suitable, available or viable sequentially preferable sites which could accommodate the proposed development. The applicant has also provided a marketing strategy which has concluded that at present interest in the site has only been received from the type of end user associated with the application detailed.
32. Taking into account that the proposed McDonalds is expected to provide over 65 either full or part time jobs the proposed uses will clearly provide significant on-site employment. In addition the development is not considered to have an adverse impact on the town centre and in principle is considered acceptable complying with paragraph 24 of the NPPF and the Joint Core Strategy policy 22. The proposed layout and design is also considered appropriate in this location and is compliant with policy 8 of the JCS.

### Highways

33. The Highway Authority have noted the requirement of a Travel Plan and a contribution of £20,000 towards a future traffic mitigation scheme for the adjoining roundabout. This has been agreed by the applicant and will be secured via a Unilateral Undertaking which at the time of writing is currently being prepared. The Travel Plan can be secured by condition. In addition the Highway Authority require provision of 2 new bus stops with associated works to be constructed next to the emergency access with Frith Close, detailed plans of the proposed highway works and a Construction management Plan. All of these matters can be secured via planning condition. There are no highway objections to the principle of the

development which is considered to accord with the NPPF and policies 8 and 15 of the Joint Core Strategy..

#### Environmental Impact

34. As noted a small number of trees will be removed from the site but these are considered poor quality and their removal is considered acceptable. As noted there are no objections raised by Environmental Services or the NCC Ecology team. Conditions will be required for unsuspected contamination, odour control and implementation of ecology protection measures.
35. Noting the comments raised by the Police Liaison officer, the applicant has confirmed that the site will be illuminated in a manner which mitigates against safety, security and anti-social behaviour concerns. In addition external CCTV will be provided to cover all areas of the site. Bin storage details and perimeter boundary treatments will be agreed with the Council (through condition) to ensure against unauthorised access. All openings within units will meet LPS 1175 SR2 security standards to again ensure against unauthorised access. As noted the existing site operates 24 hours per day, seven days per week. Taking into account the proximity of the site to the highway network and adjoining roundabout, as well as the distance between the site and existing and proposed residential dwellings, it is not proposed to place a controlling planning condition in terms of opening hours. Deliveries to the site will however be prohibited at night time.

#### Neighbour Objections

36. The responses received from neighbouring residents have been considered. In respect of odour generation as stated above this will be controlled by planning condition however it should be noted that existing and proposed dwellings located to the east of the application site are a reasonable distance from the proposed development, with an area of open space proposed between the application site and proposed dwellings. The operation of the development both in terms of odour and noise generation will not harm residential amenity. As noted there are no objections on highway or traffic movement grounds.
37. Concerns relating to anti-social behaviour are noted and as set down under paragraph 35 above the applicant will implement a series of measures which will ensure anti-social behaviour is either prevented or controlled. The proposed development, taking into account the nature of the site, existing development and the proximity to new residential development is not considered to cause loss of amenity or privacy. In summary the issues raised by neighbours do not outweigh the benefits which will derive from the proposed development.
38. In conclusion the proposed development is considered to comply with policy 8 of the NCC Joint Core Strategy. The scheme is acceptable in terms of proposed layout and design with issues relating to highways, environment and ecology adequately dealt with via planning condition or the Unilateral Undertaking relating to the required highway financial contribution. The application is recommended for approval.

#### 39. **Recommendation:**

**Grant Planning Permission subject to the following Unilateral Undertaking and Planning Conditions:**

##### Unilateral Undertaking

Prior to the grant of Planning Permission a Unilateral Undertaking shall be completed securing a financial contribution of £20,000 towards traffic mitigation on the adjoining roundabout.

##### Planning Conditions

1. The development must be begun not later than the expiration of three years, beginning with the date of this permission.

**Reason:** To accord with 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: 16007 (03) – P – 000, 16007 (03) – P – 001, 16007 (03) – E – 001, 16007 (01) – P – 002, 16007 (03) – E – 002, 16007 (03) – E – 003, 16007 (03) – E – 007, 16007 (03) – P – 003, 16007 (03) – E – 008, 16007 (03) – S – 004, 16007 (03) – E – 009, 16007 (03) – P – 004, 16007 (03) – E – 004, 16007 (03) – E – 005, 16007 (03) – S – 002, 16007 (03) – S – 001.

**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. Development shall be carried out in accordance with the Arboricultural Implications Assessment provided by Lockhart Garratt dated March 2017. Development shall be carried out in accordance with the approved details.

**Reason:** In the interest of visual amenity and in accordance with Policy P1(E) of the Corby Borough Local Plan.

3. Prior to first occupation two new bus stops, with plinths, shelters, poles and uncontrolled pedestrian crossings are to be constructed near the emergency access to Frith. Full details shall be submitted to and approved by the Local Planning Authority prior to commencement of works.

In the interests of highway and pedestrian safety

4. No development shall take place including any works of demolition until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- Detailed work programme
- Site HGV delivery/removal hours to be limited to between 09:30 – 16:30.
- routes for construction traffic
- detailed plan showing the location of on site stores and facilities including the site compound visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
- hours of operation
- method of prevention of mud being carried onto highway
- pedestrian and cyclist protection
- proposed temporary traffic restrictions
- arrangements for turning vehicles
- breakdown of number, type, size and weight of vehicles over demolition and construction period.
- Detail of debris management
- Public liaison position, name, contact details and details of public consultation/liaison
- Detail of temporary construction accesses and their remediation post project.

**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.

5. Prior to commencement of the development full engineering, construction and drainage plans for the off-site works along with a Road Safety Audit shall be submitted and approved by the Local Highway Authority.

**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.

6. Prior to the first occupation of each building hereby approved 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 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 accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been 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 should be submitted to and be approved in writing by 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 '*Model Procedures for the Management of Land Contamination, CLR 11*'.

**Reason:** To ensure that risks from land contamination is understood prior to works on site both during the construction phase 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.

8. No development shall take place until 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 has been prepared, submitted to and been approved in writing by 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.

**Reason:** To ensure that risks from land contamination is understood prior to works on site both during the construction phase 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.

9. In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. 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 be approved in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination both during the construction phase and 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.

10. 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 requirements of Condition 8 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 9, which is to be submitted to and be approved in writing by 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 in accordance with condition 10.

**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.

11. Deliveries to the site and approved uses shall not be carried out outside the hours of 07:30 to 21:00 Monday to Friday, and on Saturday and Sunday between 09:00 and 19:00.

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

12. The proposed development shall be undertaken in compliance with the recommendations as detailed in the submitted Extended Phase 1 habitat survey report prepared by Lockhart Garratt dated 5<sup>th</sup> October, 2017 and shall be implemented in accordance with these details.

**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.

13. No development, excavation or soil strip shall commence on site until tree protection fencing has been installed in accordance with Arboricultural Impact Assessment 16-1866.

Thereafter, the fencing shall be retained intact for the full duration of the works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

**Reason:** To ensure protection during construction works of trees and hedges which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired.

14. Prior to the commencement of development the details of the boundary treatments (including details of the fences, gates, bollards and turnstiles) shall be submitted to and approved in writing by the Local Planning Authority. This should include a copy of the supplier's technical instructions, showing the type of fence panels and posts being proposed, and the style and locking mechanisms for the gates and turnstiles. The approved details shall be implemented and retained thereafter.

**Reason:** To ensure that the site is satisfactorily secured in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

15. Prior to the first occupation of the development hereby permitted details of the proposed bin storage design shall be submitted to and approved in writing by the Local Planning Authority and the scheme approved shall be provided and retained thereafter.

**Reason:** To ensure the provision and availability of waste storage facilities in accordance with policy 8 of the North Northamptonshire Core Strategy.

**Statement of Applicant Involvement:**

Discussions with the agent have lead to the submission of amended details to address concerns relating to ecology.

**Officers to Contact:**

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